

STATE OF CONNECTICUT APPELLATE COURT

A.C. 41697

SCARLETT LEWIS, ADMINISTRATRIX OF
THE ESTATE OF JESSE LEWIS, ET AL.

V.

THE TOWN OF NEWTOWN, ET AL.

PLAINTIFF-APPELLANT'S APPENDIX 1

DEVIN W. JANOSOV, ESQ.
PAPCSY JANOSOV ROCHE
53 EAST AVENUE
NORWALK, CT 06851
DEVIN@MYINJURYFIRM.COM
P: 203.642.3888
F: 203.642.3887

DONALD A. PAPCSY, ESQ.
PAPCSY JANOSOV ROCHE
53 EAST AVENUE
NORWALK, CT 06851
DON@MYINJURYFIRM.COM
P: 203.642.3888
F: 203.642.3887

TO BE ARGUED BY: DEVIN W. JANOSOV, ESQ.

TABLE OF CONTENTS

I.	DOCKETING STATEMENT.....	PG. A-1
II.	SUMMONS.....	PG. A-10
III.	ORIGINAL COMPLAINT.....	PG. A-11
IV.	RETURN OF SERVICE.....	PG. A-75
V.	THIRD REVISED COMPLAINT.....	PG. A-79
VI.	ANSWER AND SPECIAL DEFENSES.....	PG. A-129
VII.	JURY CLAIM.....	PG. A-146
VIII.	MOTION TO STRIKE SPECIAL DEFENSES.....	PG. A-151
IX.	MEMO OF LAW MOTION TO STRIKE SPECIAL DEFENSES.....	PG. A-164
X.	MOTION FOR SUMMARY JUDGEMENT.....	PG. A-161
XI.	MEMORANDUM OF LAW TO MOT. FOR SUM JUDGEMENT.....	PG. A-164
	a. EXHIBIT A TO M. FOR S.J.....	PG. A-211
	b. EXHIBIT B TO M. FOR S.J.....	PG. A-221
	c. EXHIBIT C TO M. FOR S.J.....	PG. A-224
	d. EXHIBIT D TO M. FOR S.J.....	PG. A-228
	e. EXHIBIT E TO M. FOR S.J.....	PG. A-232
	f. EXHIBIT F TO M. FOR S.J.....	PG. A-235
	g. EXHIBIT G TO M. FOR S.J.....	PG. A-238
	h. EXHIBIT H TO M. FOR S.J.....	PG. A-240
XII.	OBJECTION TO DEFENDANTS' M. FOR S.J.....	PG. A-265
XIII.	MEMORANDUM IN SUPPORT OF OBJ. TO D'S M. FOR S.J.....	PG. A-272
	a. EXHIBIT A TO OBJ. TO M. FOR S.J.....	PG. A-316

b.	EXHIBIT B TO OBJ. TO M. FOR S.J.....	PG. A-366
c.	EXHIBIT C TO OBJ. TO M. FOR S.J.....	PG. A-387
d.	EXHIBIT D TO OBJ. TO M. FOR S.J.....	PG. A-406
e.	EXHIBIT E TO OBJ. TO M. FOR S.J.....	PG. A-409
f.	EXHIBIT F TO OBJ. TO M. FOR S.J.....	PG. A-415
g.	EXHIBIT G TO OBJ. TO M. FOR S.J.....	PG. A-418
h.	EXHIBIT H TO OBJ. TO M. FOR S.J.....	PG. A-420
i.	EXHIBIT I TO OBJ. TO M. FOR S.J.....	PG. A-422
j.	EXHIBIT J TO OBJ. TO M. FOR S.J.....	PG. A-451
k.	EXHIBIT K TO OBJ. TO M. FOR S.J.....	PG. A-454
l.	EXHIBIT L TO OBJ. TO M. FOR S.J.....	PG. A-457
m.	EXHIBIT M TO OBJ. TO M. FOR S.J.....	PG. A-464
n.	EXHIBIT N TO OBJ. TO M. FOR S.J.....	PG. A-510
o.	EXHIBIT O TO OBJ. TO M. FOR S.J.....	PG. A-548
p.	EXHIBIT P TO OBJ. TO M. FOR S.J.....	PG. A-567
XIV.	REVISED SCHEDULING ORDER BY AGREEMENT.....	PG A-570
XV.	MEMORANDUM OF DECISION ON S.J.....	PG A-571
XVI.	APPEAL FORM.....	PG A-601
XVII.	DOCKETING STATEMENT.....	PG A-604
XVIII.	FINAL JUDGMENT FILING.....	PG A-608
XIX.	CERTIFICATION.....	PG A-610



State of Connecticut Judicial Branch Superior Court E-Filing



E-Services Home Attorney/Firm: PAPCSY JANOSOV ROCHE (428746) E-Mail: devin@myinjuryfirm.com Logout
 E-Services Inbox (5) [NNH-CV15-6075650-S](#) LEWIS, SCARLETT, ADMINISTRATRIX OF THE ESTATE OF J Et Al v. THE TOWN OF NEWTOWN Et Al
 Superior Court E-Filing Prefix: NH5 Case Type: T90 File Date: 01/21/2015 Return Date: 01/27/2015
 Civil/Family Case Detail Notices History Scheduled Court Dates Help Manual
 Housing
 Small Claims
[To receive an email when there is activity on this case, click here.](#)

E-File a New Case

Select Case Activity:

E-File on an Existing Case
 By Docket Number
 By Party Name
 List My Cases

Information updated as of: 11/14/2018

Case Information

Case Type: T90 - Torts - All other
 Court Location: New Haven JD
 List Type: No List Type
 Trial List Claim:
 Last Action Date: 05/29/2018 (The "last action date" is the date the information was entered in the system)

Disposition Information

Disposition Date: 05/07/2018
 Disposition: SUMMARY JUDGMENT-DEFENDANT
 Judge or Magistrate: HON ROBIN WILSON

Party & Appearance Information

My Shopping Cart (0)
 My E-Filed Items

Pending
 Foreclosure Sales

Search By Property Address

Party	No Fee Party	Party Category	Party Type
P-01 SCARLETT LEWIS ADMINISTRATRIX OF THE ESTATE OF JESSE LEWIS Attorney: PAPCSY JANOSOV ROCHE (428746) File Date: 01/21/2015 53 EAST AVENUE NORWALK, CT 06851		Plaintiff	Executor/ Administrator
P-02 POZNER LEONARD ADMINISTRATOR OF THE ESTATE OF NOAH POZNER Attorney: PAPCSY JANOSOV ROCHE (428746) File Date: 01/21/2015 53 EAST AVENUE NORWALK, CT 06851		Plaintiff	Executor/ Administrator
D-01 THE TOWN OF NEWTOWN Attorney: RYAN RYAN DELUCA LLP (052525) File Date: 01/26/2015 707 SUMMER STREET STAMFORD, CT 06901 Attorney: PULLMAN & COMLEY LLC (047892) File Date: 07/28/2017 850 MAIN STREET PO BOX 7006 BRIDGEPORT, CT 06601		Defendant	Government Entity
D-02 SANDY HOOK BOARD OF EDUCATION Attorney: RYAN RYAN DELUCA LLP (052525) File Date: 01/26/2015 707 SUMMER STREET STAMFORD, CT 06901 Attorney: PULLMAN & COMLEY LLC (047892) File Date: 07/28/2017 850 MAIN STREET PO BOX 7006 BRIDGEPORT, CT 06601		Defendant	Government Entity
D-03 SANDY HOOK ELEMENTARY SCHOOL REMOVED		Defendant	Government Entity
L-01 WILLIAM BRANDON SHANLEY REMOVED		For Notice Only or Proposed Intervenor	Person






















A-1

Viewing Documents on Civil, Housing and Small Claims Cases:




























If there is an  in front of the docket number at the top of this page, then the file is electronic (paperless).

- Documents, court orders and judicial notices in electronic (paperless) civil, housing and small claims cases with a return date on or after January 1, 2014 are available publicly over the internet.* For more information on what you can view in all cases, view the [Electronic Access to Court Documents Quick Card](#).
- For civil cases filed prior to 2014, court orders and judicial notices that are electronic are available publicly over the internet. Orders can be viewed by selecting the link to the order from the list below. Notices can be viewed by clicking the **Notices** tab above and selecting the link.*
- Documents, court orders and judicial notices in an electronic (paperless) file can be viewed at any judicial district courthouse during normal business hours.*
- Pleadings or other documents that are not electronic (paperless) can be viewed only during normal business hours at the Clerk's Office in the Judicial District where the case is located.*
- An Affidavit of Debt is not available publicly over the internet on small claims cases filed before October 16, 2017.*




























*Any documents protected by law Or by court order that are Not open to the public cannot be viewed by the public online And can only be viewed in person at the clerk's office where the file is located by those authorized by law or court order to see them.

Motions / Pleadings / Documents / Case Status				
<u>Entry No</u>	<u>File Date</u>	<u>Filed By</u>	<u>Description</u>	<u>Arguable</u>
	01/21/2015	P	SUMMONS 	
	01/21/2015	P	COMPLAINT 	
	01/21/2015	P	RETURN OF SERVICE 	
	01/26/2015	D	APPEARANCE  Appearance	
	01/29/2015	D	APPEARANCE  Appearance	
	05/13/2015		CLAIM/RECLAIM  Claim/Reclaim	
	12/15/2015		CLAIM/RECLAIM  Claim/Reclaim	
	12/28/2015		CLAIM/RECLAIM  Claim/Reclaim	
	06/10/2016		ADMINISTRATIVE DOCUMENT  Return of documents to William Shanley	
	06/20/2016		APPEARANCE  WILLIAM BRANDON SHANLEY	
	07/27/2016		ADMINISTRATIVE DOCUMENT  Return of documents to William Shanley	
	09/06/2016		APPEARANCE  APPEARANCE FOR PURPOSE OF APPL FOR WAIVER OF FEES	
	12/21/2016		ADMINISTRATIVE DOCUMENT  RETURN OF DOCUMENTS	
	07/28/2017	D	APPEARANCE  Appearance	
	11/17/2017		CLAIM/RECLAIM  Claim/Reclaim	
101.00	02/20/2015	P	REQUEST TO AMEND COMPLAINT/AMENDMENT 	No
102.00	02/24/2015	D	MOTION TO DISMISS PB 10-30 	Yes
103.00	02/24/2015	D	MEMORANDUM IN SUPPORT OF MOTION 	No
104.00	03/03/2015	P	WITHDRAWAL OF ACTION AGAINST PARTICULAR DEFENDANT(S) – CASE REMAINS PENDING  As To Sandy Hook Elementary School	No
105.00	03/13/2015	D	REQUEST TO REVISE  PLAINTIFFS' FIRST AMENDED COMPLAINT	No
106.00	03/26/2015	P	MOTION FOR EXTENSION OF TIME TO PLEAD 	No

























A.2

107.00	04/02/2015	D	OBJECTION TO MOTION FOR EXTENSION OF TIME  DEF'S RESPONSE TO PL'S MOT FOR EXT DOC. NO. 106.00	No
108.00	05/01/2015	D	MOTION FOR NONSUIT FOR FAILURE TO PLEAD 	No
109.00	05/11/2015	P	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 	No
110.00	05/12/2015	P	OBJECTION TO REQUEST TO REVISE 	No
111.00	05/13/2015	P	REQUEST TO AMEND COMPLAINT/AMENDMENT  Second Amendment	No
112.00	05/13/2015	P	OBJECTION TO MOTION FOR NONSUIT  Nonsuit for Failure to Plead to request to Revise	No
113.00	05/15/2015	P	NOTICE  of Filing Interrogatories and Production Requests	No
114.00	05/20/2015	D	REPLY  Re: Pl's Motion for Ext of Time Doc. 109.00	No
115.00	05/28/2015	D	REQUEST TO EXTEND TIME TO RESPOND TO INTERROGATORIES OR PRODUCTION REQ P.B. 13-7(a)(2)/13-10(a)(2) 	No
116.00	06/03/2015	D	REQUEST TO REVISE  Plaintiff's Second Amended Complaint	No
117.00	06/18/2015	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 	No
118.00	06/18/2015	D	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10  Objection to Plaintiffs First Set of Requests for Production	No
119.00	06/24/2015	P	MOTION FOR EXTENSION OF TIME TO PLEAD  RESULT: Denied 7/6/2015 HON ANTHONY TRUGLIA	No
119.05	07/06/2015	C	ORDER  RESULT: Denied 7/6/2015 HON ANTHONY TRUGLIA	No
120.00	06/25/2015	P	MOTION FOR PROTECTIVE ORDER PB 13-5 	No
121.00	07/07/2015	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13  RESULT: Order 7/24/2015 HON DAN SHABAN	No
121.05	07/24/2015	C	ORDER  RESULT: Order 7/24/2015 HON DAN SHABAN	No
122.00	07/07/2015	D	WITHDRAWAL OF MOTION  121.00 Motion for Extension of Time re: Discovery	No
123.00	07/07/2015	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13  This Motion replaces Motion Doc. Entry No. 121.00 RESULT: Granted 7/24/2015 HON DAN SHABAN	No
123.05	07/24/2015	C	ORDER  RESULT: Granted 7/24/2015 HON DAN SHABAN	No
124.00	07/30/2015	P	OBJECTION TO REQUEST TO REVISE  Plaintiffs' Second Amended Complaint RESULT: Order 8/25/2016 HON SHEILA OZALIS	No
124.05	08/25/2016	C	ORDER  RESULT: Order 8/25/2016 HON SHEILA OZALIS	No
125.00	08/10/2015	P	MOTION TO QUASH  subpeona RESULT: Order 9/14/2015 HON SHEILA OZALIS	No
125.05	08/28/2015	C	ORDER  RESULT: Order 8/28/2015 HON SHEILA OZALIS	No
125.10	09/14/2015	C	ORDER  RESULT: Order 9/14/2015 HON SHEILA OZALIS	No
126.00	08/10/2015	P	EXHIBITS  Exhibit A for Motion to Quash Subpoena	No
127.00	08/14/2015	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13  Pl's I&Ps dated May 15, 2015 RESULT: Order 9/3/2015 HON DAN SHABAN	No

























A-3

127.05	09/03/2015	C	ORDER  <i>RESULT: Order 9/3/2015 HON DAN SHABAN</i>	No
128.00	08/21/2015	D	OBJECTION TO MOTION  to Quash <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
128.05	09/08/2015	C	ORDER  <i>RESULT: Order 9/8/2015 HON SHEILA OZALIS</i>	No
128.10	09/14/2015	C	ORDER  <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
129.00	08/21/2015	P	REPLY  To Objection To Motion To Quash	No
130.00	08/24/2015	P	EXHIBITS  To Reply To Objection To Motion To Quash	No
131.00	08/24/2015	P	MOTION FOR PROTECTIVE ORDER PB 13-5  <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
131.05	09/08/2015	C	ORDER  <i>RESULT: Order 9/8/2015 HON SHEILA OZALIS</i>	No
131.10	09/14/2015	C	ORDER  <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
132.00	08/24/2015	P	EXHIBITS  To Motion For Protective Order	No
133.00	09/03/2015	D	OBJECTION TO MOTION  For Protective Order <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
133.05	09/08/2015	C	ORDER  <i>RESULT: Order 9/8/2015 HON SHEILA OZALIS</i>	No
133.10	09/14/2015	C	ORDER  <i>RESULT: Order 9/14/2015 HON SHEILA OZALIS</i>	No
134.00	09/04/2015	P	REPLY  To Objection To Motion For Protective Order	No
135.00	09/14/2015	D	MOTION FOR EXTENSION OF TIME RE DISCOVERY MOTION OR REQUEST PB CH13 	No
136.00	09/15/2015	P	OBJECTION TO MOTION FOR EXTENSION OF TIME  To Defendants' Fifth Extension of Time Regarding Discovery	No
137.00	09/21/2015	D	REPLY  TO PLAINTIFFS' OBJECTIONS TO DEFENDANTS' MOTION FOR EXT OF TIME	No
138.00	09/22/2015	P	SUPPLEMENTAL RETURN  And Affidavit of Action Not Lost	No
139.00	09/22/2015	P	EXHIBITS  Exhibit A to Supplemental Return and Affidavit of Action Not Lost	No
140.00	09/22/2015	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 	No
141.00	09/22/2015	P	OBJECTION TO INTERROGATORIES/PRODUCTION PB 13-8 and 13-10 	No
142.00	09/22/2015	P	REPLY  To Defendants' Reply To Plaintiffs' Objection to Defendants' Motion for Extension of Time	No
143.00	09/22/2015	P	EXHIBITS  exhibit A to plaintiffs' reply to defendants' reply to extension of time	No
144.00	12/15/2015	C	SCHEDULING ORDER  <i>RESULT: Order 12/15/2015 HON SHEILA OZALIS</i>	No
145.00	06/13/2016	P	OFFER OF COMPROMISE  As to Jesse Lewis	No
146.00	06/13/2016	P	OFFER OF COMPROMISE  As to Noah Pozner	No
147.00	06/20/2016	O	MOTION TO APPEAR AS AMICUS CURIAE  MOTION TO FILE AMICUS CURIAE BRIEF <i>RESULT: Denied 8/3/2016 HON DAN SHABAN</i> Last Updated: Additional Description - 06/21/2016	No

A.4

147.05	08/03/2016	C	ORDER  <i>RESULT: Denied 8/3/2016 HON DAN SHABAN</i>	No
147.10	08/03/2016	C	MEMORANDUM OF DECISION  RE: MOTION TO APPEAR AS AMICUS CURIAE (#147) <i>RESULT: Order 8/3/2016 HON DAN SHABAN</i>	No
148.00	06/21/2016	P	MOTION FOR CONTINUANCE  Of June 28, 2016 Pretrial <i>RESULT: Granted 6/21/2016 HON SHEILA OZALIS</i>	No
148.05	06/21/2016	C	ORDER  re: order on #148 <i>RESULT: Granted 6/21/2016 HON SHEILA OZALIS</i>	No
149.00	07/22/2016	D	MOTION FOR CONTINUANCE  <i>RESULT: Order 7/22/2016 HON SHEILA OZALIS</i>	No
149.05	07/22/2016	C	ORDER  Re: order on #149.00 <i>RESULT: Order 7/22/2016 HON SHEILA OZALIS</i>	No
150.00	07/22/2016	D	CASEFLOW REQUEST (JD-CV-116)  <i>RESULT: Order 7/29/2016 HON SHEILA OZALIS</i>	No
150.05	07/25/2016	C	ORDER  re: order on #150.00 <i>RESULT: Order 7/25/2016 HON SHEILA OZALIS</i>	No
150.10	07/29/2016	C	ORDER  additional order on #150.00 <i>RESULT: Order 7/29/2016 HON SHEILA OZALIS</i>	No
150.50	08/30/2016	L	MOTION FOR WAIVER  <i>RESULT: Granted 8/31/2016 HON DAN SHABAN</i>	No
151.00	09/01/2016	P	REVISED COMPLAINT  Request To Revise and Revised Third Complaint in accordance with 08.26.2016 order on Req. To Revise	No
152.00	10/14/2016	D	ANSWER AND SPECIAL DEFENSE  TO REVISED THIRD COMPLAINT	No
153.00	10/14/2016	D	CLAIM FOR JURY OF 6 	No
154.00	10/26/2016	P	MOTION TO MODIFY SCHEDULING ORDER  With new Scheduling Order signed by all parties attached as "Exhibit A" <i>RESULT: Order 11/7/2016 HON SHEILA OZALIS</i>	No
154.05	11/07/2016	C	ORDER  <i>RESULT: Order 11/7/2016 HON SHEILA OZALIS</i>	No
155.00	10/26/2016	P	EXHIBITS  Exhibit A to Motion to Modify Scheduling Order	No
156.00	11/01/2016	P	MOTION TO STRIKE  Defendants' Third and Fourth Special Defenses and Memo of Law <i>RESULT: Denied 12/29/2016 HON ANTHONY TRUGLIA</i>	Yes
156.05	12/29/2016	C	ORDER  <i>RESULT: Denied 12/29/2016 HON ANTHONY TRUGLIA</i>	No
157.00	12/13/2016	D	OBJECTION TO MOTION  TO STRIKE DEFENDANTS' SPECIAL DEFENSES	No
158.00	06/15/2017	D	DISCLOSURE OF EXPERT WITNESS  Kenneth S. Trump, M.P.A.	No
159.00	06/15/2017	D	DISCLOSURE OF EXPERT WITNESS  Joseph Versteeg	No
160.00	06/16/2017	D	MOTION FOR PERMISSION TO FILE BRIEF LONGER THAN PERMITTED BY RULE PB 4-6  Re Forthcoming Brief in Support of Motion for Summary Judgment <i>RESULT: Granted 6/26/2017 HON SHEILA OZALIS</i>	No
160.05	06/26/2017	C	ORDER  re: order on motion #160 <i>RESULT: Granted 6/26/2017 HON SHEILA OZALIS</i>	No
161.00	06/23/2017	D	CASEFLOW REQUEST (JD-CV-116)  Request for Immediate Adjudication re Motion to File Outsized Brief (Docket No. 160.00) <i>RESULT: Granted 6/26/2017 HON SHEILA OZALIS</i>	No

A-5

161.05	06/26/2017	C	ORDER  re: order on #161 <i>RESULT: Granted 6/26/2017 HON SHEILA OZALIS</i>	No
162.00	06/30/2017	D	MOTION FOR SUMMARY JUDGMENT  <i>RESULT: Granted 5/7/2018 HON ROBIN WILSON</i>	Yes
162.10	12/11/2017	C	ORDER  Watermark <i>RESULT: Off 12/18/2017 HON ROBIN WILSON</i>	No
162.20	12/18/2017	C	ORDER  <i>RESULT: Off 12/18/2017 HON ROBIN WILSON</i>	No
162.30	05/07/2018	C	ORDER  <i>RESULT: Granted 5/7/2018 HON ROBIN WILSON</i>	No
162.40	05/07/2018	C	MEMORANDUM OF DECISION ON MOTION  <i>RESULT: Order 5/7/2018 HON ROBIN WILSON</i>	No
163.00	06/30/2017	D	MEMORANDUM IN SUPPORT OF MOTION  FOR SUMMARY JUDGMENT	No
164.00	07/06/2017	P	MOTION FOR EXTENSION OF TIME  To File Objection To Summary Judgment <i>RESULT: Granted 7/27/2017 HON SHEILA OZALIS</i>	No
164.05	07/27/2017	C	ORDER  <i>RESULT: Granted 7/27/2017 HON SHEILA OZALIS</i>	No
165.00	07/21/2017	D	MOTION FOR PROTECTIVE ORDER PB 13-5  And Motion to Quash Pompano, Fedra, and Robinson Depositions <i>RESULT: Granted 8/1/2017 HON ANTHONY TRUGLIA</i>	No
165.05	08/01/2017	C	ORDER  <i>RESULT: Granted 8/1/2017 HON ANTHONY TRUGLIA</i>	No
166.00	07/27/2017	P	OBJECTION TO MOTION  For Protective Order/To Quash <i>RESULT: Overruled 8/1/2017 HON ANTHONY TRUGLIA</i>	No
166.05	08/01/2017	C	ORDER  <i>RESULT: Overruled 8/1/2017 HON ANTHONY TRUGLIA</i>	No
167.00	07/27/2017	P	EXHIBITS  Exhibit A to Objection to Motion for Protective Order/Order to Quash	No
168.00	07/27/2017	P	EXHIBITS  Exhibit B to Objection to Motion for Protective Order/Order to Quash	No
169.00	07/27/2017	P	EXHIBITS  Exhibit C to Objection to Motion for Protective Order/Order to Quash	No
170.00	07/27/2017	P	CASEFLOW REQUEST (JD-CV-116)  For immediate Hearing/Ruling on Motion for Protective Order and Objection <i>RESULT: Granted 7/27/2017 HON SHEILA OZALIS</i>	No
170.05	07/27/2017	C	ORDER  re: order on #170.00 <i>RESULT: Granted 7/27/2017 HON SHEILA OZALIS</i>	No
171.00	07/31/2017	D	REPLY  TO PLAINTIFFS' OBJECTION TO MOTION FOR PROTECTIVE ORDER AND MOTION TO QUASH	No
172.00	08/01/2017	P	MOTION RE DEPOSITION  Motion to CCompel Defendants' Expert Depositions within Scheduling Order <i>RESULT: Granted 8/16/2017 HON ANTHONY TRUGLIA</i>	No
172.05	08/16/2017	C	ORDER  <i>RESULT: Granted 8/16/2017 HON ANTHONY TRUGLIA</i>	No
173.00	08/01/2017	P	EXHIBITS  Exhibit A to PLAintiffs' Motion to CCompel Defendants' Expert Depositions within Scheduling Order	No
174.00	08/10/2017	P	NOTICE OF SERVICE OF REQUEST FOR ADMISSION PB 13-22  Plaintiffs' Service of Requests for Admission on the Defendants, Town of Newtown and Newtown BOE	No
175.00	08/10/2017	P	MOTION FOR ORDER OF COMPLIANCE - PB SEC 13-14 (FAIL APPEAR DEP)  Supplement to Plaintiffs' Motion to Compel Deposition of Defendants' Experts within Scheduling Order	No












A.6

176.00	08/10/2017	P	CASEFLOW REQUEST (JD-CV-116) For Status Conference Regarding Numerous Issues <i>RESULT: Order 8/14/2017 HON ANTHONY TRUGLIA</i>	No
176.05	08/14/2017	C	ORDER re: order on #176 <i>RESULT: Order 8/14/2017 HON ANTHONY TRUGLIA</i>	No
177.00	08/11/2017	D	OBJECTION TO MOTION Objection to Motion to Compel Expert Depositions	No
178.00	08/14/2017	P	REPLY Reply To Defendants' Objection To Plaintiffs' Motion to Compel Defendants' Expert Depositions	No
179.00	08/15/2017	P	MOTION TO INSPECT Evidence held by Ct State Police <i>RESULT: Order 8/21/2017 HON ANTHONY TRUGLIA</i>	No
179.05	08/21/2017	C	ORDER order re: #179.00 <i>RESULT: Order 8/21/2017 HON ANTHONY TRUGLIA</i>	No
180.00	08/15/2017	P	EXHIBITS Exhibit A to Plaintiffs' Motion to Inspect	No
181.00	08/15/2017	P	EXHIBITS Exhibit B to Plaintiffs' Motion to Inspect	No
182.00	08/15/2017	P	EXHIBITS Exhibit C to Plaintiffs' Motion to Inspect	No
183.00	08/15/2017	P	EXHIBITS Exhibit D to Plaintiffs' Motion to Inspect	No
184.00	08/16/2017	C	ORDER <i>RESULT: Order 8/16/2017 HON ANTHONY TRUGLIA</i>	No
185.00	08/18/2017	D	REPLY Reply to Motion to Inspect	No
186.00	08/21/2017	P	REPLY To Defendants' Reply to Plaintiffs' Motion to Inspect	No
187.00	08/23/2017	P	CASEFLOW REQUEST (JD-CV-116) Caseflow Request Excusing Administrator, Pozner from Mediation, b/c lives in FL. Available by phone. <i>RESULT: Order 8/25/2017 HON DAN SHABAN</i>	No
187.05	08/25/2017	C	ORDER re: order on #187 <i>RESULT: Order 8/25/2017 HON DAN SHABAN</i>	No
188.00	09/06/2017	D	OBJECTION TO REQUEST Defendants' Objections to Requests for Admission	No
189.00	10/27/2017	P	COMPLEX LITIGATION APPLICATION (JD-CV-39) Request for Transfer to Complex Litigation <i>RESULT: Denied 11/20/2017 HON JAMES ABRAMS</i>	No
189.05	11/20/2017	C	ORDER <i>RESULT: Denied 11/20/2017 HON JAMES ABRAMS</i>	No
190.00	10/27/2017	P	MOTION FOR CONTINUANCE Of Obj. to Summary Judgment due to release of 1,500 pages of declassified FBI docs this week <i>RESULT: Off 11/8/2017 HON DAN SHABAN</i>	No
190.05	11/08/2017	C	ORDER <i>RESULT: Off 11/8/2017 HON DAN SHABAN</i>	No
191.00	10/30/2017	P	MOTION FOR CONTINUANCE Supplement to Motion # 190.00 Motion to Continue Deadline to Respond to Summary Judgment <i>RESULT: Off 11/8/2017 HON DAN SHABAN</i>	No
191.05	11/08/2017	C	ORDER <i>RESULT: Off 11/8/2017 HON DAN SHABAN</i>	No
192.00	10/31/2017	D	OBJECTION TO TRANSFER TO COMPLEX LITIGATION <i>RESULT: Sustained 11/20/2017 HON JAMES ABRAMS</i>	No
192.05	11/20/2017	C	ORDER <i>RESULT: Sustained 11/20/2017 HON JAMES ABRAMS</i>	No

A.7

193.00	10/31/2017	D	OBJECTION TO MOTION FOR EXTENSION OF TIME	No
			Objection to Motions in Entries 190.00 and 191.00	
194.00	11/01/2017	P	RESPONSE TO MOTION FOR SUMMARY JUDGMENT	No
			Objection To Motion For Summary Judgment	
195.00	11/01/2017	P	RESPONSE TO MOTION FOR SUMMARY JUDGMENT	No
			Memorandum of Law in Support of Objection to Motion for Summary Judgment	
196.00	11/01/2017	P	EXHIBITS	No
			Exhibit A to Objection to Motion for Summary Judgment	
197.00	11/01/2017	P	EXHIBITS	No
			Exhibit B to Objection to Motion for Summary Judgment	
198.00	11/01/2017	P	EXHIBITS	No
			Exhibit C to Objection to Motion for Summary Judgment	
199.00	11/01/2017	P	EXHIBITS	No
			Exhibit D to Objection to Motion for Summary Judgment	
200.00	11/01/2017	P	EXHIBITS	No
			Exhibit E to Objection to Motion for Summary Judgment	
201.00	11/01/2017	P	EXHIBITS	No
			Exhibit F to Objection to Motion for Summary Judgment	
202.00	11/01/2017	P	EXHIBITS	No
			Exhibit G to Objection to Motion for Summary Judgment	
203.00	11/01/2017	P	EXHIBITS	No
			Exhibit H to Objection to Motion for Summary Judgment	
204.00	11/01/2017	P	EXHIBITS	No
			Exhibit I to Objection to Motion for Summary Judgment	
205.00	11/01/2017	P	EXHIBITS	No
			Exhibit J to Objection to Motion for Summary Judgment	
206.00	11/01/2017	P	EXHIBITS	No
			Exhibit K to Objection to Motion for Summary Judgment	
207.00	11/01/2017	P	EXHIBITS	No
			Exhibit L to Objection to Motion for Summary Judgment	
208.00	11/01/2017	P	EXHIBITS	No
			Exhibit M to Objection to Motion for Summary Judgment	
209.00	11/01/2017	P	EXHIBITS	No
			Exhibit N to Objection to Motion for Summary Judgment	
210.00	11/01/2017	P	EXHIBITS	No
			Exhibit O to Objection to Motion for Summary Judgment	
211.00	11/01/2017	P	EXHIBITS	No
			Exhibit P to Plaintiff's Objection to Motion for Summary Judgment	
212.00	11/15/2017	D	REPLY	No
			TO PLAINTIFF'S OBJECTION TO MOTION FOR SUMMARY JUDGMENT	
213.00	11/29/2017	D	CASEFLOW REQUEST (JD-CV-116)	No
			Request for Status Conference on 12/7/17	
			RESULT: Granted 12/4/2017 HON ROBIN WILSON	
213.10	12/04/2017	C	ORDER	No
			RESULT: Granted 12/4/2017 HON ROBIN WILSON	
214.00	11/28/2017	C	ORDER	No
			RESULT: Order 11/28/2017 HON DAN SHABAN	
215.33	11/28/2017	C	TRANSFERRED FROM SUPERIOR COURT JUDICIAL DISTRICT OF DANBURY	No
216.33	11/28/2017	C	TRANSFERRED TO SUPERIOR COURT JUDICIAL DISTRICT OF NEW HAVEN	No
217.00	12/11/2017	C	ORDER	No
			RESULT: Order 12/11/2017 HON ROBIN WILSON	
218.00	12/22/2017	P	REPLY MEMORANDUM	No
			To Defendants' Reply to Plaintiffs' Objection to Summary Judgment	
219.00	12/22/2017	P	EXHIBITS	No
			Ex. A to Plaintiffs' Reply Brief to Defendants' Reply to Plaintiffs' Objection to Summary Judgment	

A.8

220.00	12/22/2017	P	EXHIBITS  Ex. B to Plaintiffs' Reply Brief to Defendants' Reply to Plaintiffs' Objection to Summary Judgment	No
221.00	01/02/2018	D	REPLY  DEFENDANTS? RESPONSE TO PLAINTIFFS? REPLY TO DEFENDANT'S REPLY TO OBJECTION TO MOTION FOR SJ	No
222.00	01/09/2018	P	SCHEDULING ORDER BY AGREEMENT C50,T02,T03,T11,T12,T61,V01,V04, V09 CASES  Proposed Amended Scheduling Order by Agreement of the Parties RESULT: Order 1/9/2018 HON ROBIN WILSON	No
222.10	01/09/2018	C	ORDER  RESULT: Order 1/9/2018 HON ROBIN WILSON	No
223.00	04/17/2018	D	MOTION FOR PERMISSION TO FILE BRIEF  Supplemental Brief to Motion for Summary Judgment Based on Recent Appellate Court Decision RESULT: Denied 4/18/2018 HON ROBIN WILSON	No
223.10	04/18/2018	C	ORDER  RESULT: Denied 4/18/2018 HON ROBIN WILSON	No
224.00	04/18/2018	P	OBJECTION  To Motion for Permission to File Supplemental Brief by Defendants	No
225.00	05/07/2018	C	SUMMARY JUDGMENT-DEFENDANT  RESULT: HON ROBIN WILSON	No
226.00	05/25/2018	P	LETTER 	No
227.00	05/25/2018	P	APPEAL TO APPELLATE COURT ALL FEES PAID 	No
228.00	05/29/2018	C	ORDER  RESULT: Order 5/29/2018 HON ROBIN WILSON	No

Scheduled Court Dates as of 11/13/2018				
NNH-CV15-6075650-S - LEWIS, SCARLETT, ADMINISTRATRIX OF THE ESTATE OF J Et Al v. THE TOWN OF NEWTOWN Et Al				
#	Date	Time	Event Description	Status
No Events Scheduled				

Judicial ADR events may be heard in a court that is different from the court where the case is filed. To check location information about an ADR event, select the **Notices** tab on the top of the case detail page.

Matters that appear on the Short Calendar and Family Support Magistrate Calendar are shown as scheduled court events on this page. The date displayed on this page is the date of the calendar.

All matters on a family support magistrate calendar are presumed ready to go forward.

The status of a Short Calendar matter is not displayed because it is determined by markings made by the parties as required by the calendar notices and the civil or family standing orders. Markings made electronically can be viewed by those who have electronic access through the Markings History link on the Civil/Family Menu in E-Services. Markings made by telephone can only be obtained through the clerk's office. If more than one motion is on a single short calendar, the calendar will be listed once on this page. You can see more information on matters appearing on Short Calendars and Family Support Magistrate Calendars by going to the Civil/Family Case Look-Up page and Short Calendars By Juris Number or By Court Location.

Periodic changes to terminology that do not affect the status of the case may be made. This list does not constitute or replace official notice of scheduled court events.

Disclaimer: For civil and family cases statewide, case information can be seen on this website for a period of time, from one year to a maximum period of ten years, after the disposition date. If the Connecticut Practice Book Sections 7-10 and 7-11 give a shorter period of time, the case information will be displayed for the shorter period. Under the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

SUMMONS - CIVIL

JD-CV-1 Rev. 9-14

C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1**STATE OF CONNECTICUT
SUPERIOR COURT**
www.jud.ct.gov

See other side for instructions

- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- ☐ "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- ☐ "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE
STATE OF CONNECTICUT, you are hereby
commanded to make due and legal service of
this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350)		Telephone number of clerk (with area code)	Return Date (Must be a Tuesday)
146 White St., Danbury, CT 068140		(203) 207-8600	January 27, 2015 Month Day Year
<input type="checkbox"/> Judicial District	<input type="checkbox"/> G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)	Case type code (See list on page 2)
<input type="checkbox"/> Housing Session		Danbury	Major: T Minor: 90

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)		Juris number (to be entered by attorney only)
Papcsy Janosov Roche, 53 East Avenue, Norwalk, CT 06851		428746
Telephone number (with area code)	Signature of Plaintiff (If self-represented)	
(203) 642.3888		
The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book.		Email address for delivery of papers under Section 10-13 (if agreed to)
<input type="checkbox"/> Yes <input type="checkbox"/> No		

Number of Plaintiffs: 2 Number of Defendants: 3 ☐ Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: The Estate of Jesse Lewis, Scarlett Lewis as Administratrix Address: 6 Great Ring Rd., Sandy Hook, CT 06482	P-01
Additional Plaintiff	Name: The Estate of Noah Pozner, Leonard Pozner as Administrator Address: 261 S. Main St., #332, Newtown, CT 06470	P-02
First Defendant	Name: THE TOWN OF NEWTOWN Address: TOWN CLERK: Debbie Aurelia Halstead, Newtown Municipal Center, 3 Primrose St., Newtown, CT 06470	D-01
Additional Defendant	Name: SANDY HOOK BOARD OF EDUCATION Address: SUPERINTENDANT: JOSEPH ERADI, JR., Newton Municipal Center, 3 Primrose St., Newtown, CT 06470	D-02
Additional Defendant	Name: SANDY HOOK ELEMENTARY SCHOOL Address: PRINCIPAL: SANDY GOMBOS, 375 Fan Hill Rd., Monroe, CT 06468	D-03
Additional Defendant	Name: Address:	D-04

Notice to Each Defendant

1. YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signed (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left DONALD A. PAPCSY, ESQ.	Date signed 12.12.2014
If this Summons is signed by a Clerk:			For Court Use Only
a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.			
b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.			
c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.			File Date
d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.			
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	
Name and address of person recognized to prosecute in the amount of \$250 Devlin W. Janosov, Esq., 53 East Avenue, Norwalk, CT 06851			
Signed (Official taking recognition: "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Date 12.12.2014	Docket Number

RETURN DATE: JANUARY 27, 2015

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: DECEMBER 12, 2014

COMPLAINT

FIRST COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS
ADMINISTRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE
NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK

ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.

3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.
4. At all material times herein, DAVID FLEISHMAN, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives, while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under C.G.S. §§ 10-233, 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. § 52-557n.
7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the “lock-down” and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including JESSE LEWIS.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.

9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory "lock-down" and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder's presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.
10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even-numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA'S, presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance,

leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school "lock-down" plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the "lock down" and evacuation plan was created, but which was rendered impossible to follow, with so many key components missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.

13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK

ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL.

14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.
15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

17. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
25. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZLA killed twenty students and four adults before taking his own life outside classroom ten (10).
29. JESSE LEWIS was one of the twenty (20) students killed.
30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the "lock down" portion of the safety protocols virtually impossible to follow, in violation of C.G.S. §52-557n.
 - b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.

- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the “lock down” and evacuation procedures as instituted by THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the “lock down procedure” thereby making it impossible to even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. § 52-557n;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful “lock down” of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by THE BOARD, THE TOWN

OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the “lock down” and evacuation security plan, in violation of C.G.S. § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a “lock-down” and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms; in that the

teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSE LEWIS' classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS' classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to JESSE LEWIS' teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including JESSE LEWIS, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the intruder was able to gain access to JESSE LEWIS' classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to JESSE LEWIS suffering massive fatal injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

SECOND COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").

2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as "THE TOWN"), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the Defendant, THE TOWN'S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.
4. At all material times herein, DAVID FLEISHMAN, as the TOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or

representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under §§§§ 10-233, 10-220, 10-220f, 17a-101, 10-222d, and 10-221.
7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the “lock-down” and evacuation plan previously practiced in a “drill” setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMENTARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, JESSIE LEWIS, in violation of C.G.S. §52-557n.

8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMENTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.
9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder’s presence became known, in violation of C.G.S. § 52-557n.
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’s, presence became known in violation of C.G.S. § 52-557n.

11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school "lock-down" plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD'S, TOWN'S and SCHOOL'S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.
13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training,

supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.

14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD,.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.
16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

18. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his first grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located. .
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM L. ANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. JESSE LEWIS was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
 - b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
 - c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation

procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557n

- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557n
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK

ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;

- i. The harm to which JESSIE LEWIS was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which JESSIE LEWIS and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSIE LEWIS'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSIE LEWIS'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and
- j. The danger was apparent to JESSIE LEWIS'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure would

place the students, including JESSE LEWIS, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

31. As a result of the shooting and failure to follow the proscribed protocols, JESSE LEWIS suffered massive injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

THIRD COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRATRIX, NEIL HESLIN AS CO-ADMINSTRATOR against SANDY HOOK ELEMENTARY SCHOOL)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS, NEIL HESLIN AS CO-ADMINISTRATOR of the estate (hereinafter, "JESSE LEWIS").

2. Defendant, SANDY HOOK ELEMENTARY SCHOOL, was, at all times mentioned herein, a learning institution existing under the rules, regulations, and guidelines of the Connecticut General Statutes, NEWTOWN BOARD OF EDUCATION, the TOWN OF NEWTOWN and the State of Connecticut, and subject to the same rules and regulations as aforementioned.
3. SANDY HOOK ELEMENTARY SCHOOL was, at all times mentioned herein, located in the town of Newtown, County of Fairfield, and State of Connecticut.
4. The defendant, SANDY HOOK ELEMENTARY SCHOOL, was to follow safety procedures and policies enacted by THE TOWN of NEWTOWN, THE NEWTOWN BOARD of EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL for the safety of its students during school hours; most specifically a “lock-down” and evacuation plan enacted should a stranger, or other improper or dangerous individual enter the school during school hours, or otherwise endanger the students, and to ensure the safety of its students.
5. The details of this plan were relayed to school personnel prior to December 14, 2012, and had been rehearsed and practiced by staff and students days/weeks earlier in a “drill” fashion.
6. The details of this plan left no discretion to the teachers or other employees of SANDY HOOK ELEMENTARY SCHOOL as to how it was to be carried out, and was to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, as developed by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL.

7. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
8. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
9. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his first grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
10. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
11. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
12. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
13. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine

(9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

14. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
15. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
16. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
17. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
18. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the shooter to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were

locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

19. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
19. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
20. JESSE LEWIS was one of the twenty (20) students killed.
21. On December 14, 2012 the SANDY HOOK ELEMENTARY SCHOOL, negligently failed to adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to lock the doors to the classrooms eight (8) and ten (10) to prevent the ADAM LANZA access to those rooms in violation of Connecticut General Statutes § 52-557n.

- b. The Plaintiff brings this action pursuant to §52-555 of the Connecticut General Statutes;
- c. They failed to take the students to a safer location within the classroom, such as the bathroom; which had an internal locking mechanism to the door; in violation of C.G.S. § 52-557n;
- d. They did not or could not take the necessary efforts to follow the mandatory “lock-down” or evacuation protocols, in violation of C.G.S. § 52-557n;
- e. They had run drills days earlier to prepare for such a contingency and did not follow the protocols and procedures outlined in the mandatory safety procedures, or practiced in the drills, despite having no discretion in enacting these proscribed safety measures, in violation of C.G.S. §52-557n;
- f. They did not, or were unable, to take steps to protect, secure, or otherwise prevent the killing of the decedent, despite having adequate notice that an intruder was on premises and inflicting mortal wounds to staff and personnel of SANDY HOOK ELEMENTARY SCHOOL; despite having a lull in the shooting within which the “lock-down” procedure could have been effectuated as demanded by the protocol, and despite having a plan in place for just such a contingency, in violation of C.G.S. § 52-557n;
- g. By failing to provide the staff and other agents of SANDY HOOK ELEMENTARY SCHOOL with the necessary tools and training to implement the safety protocols,

such as keys to the doors in order to lock same, the “lock-down” and evacuation plan itself, a secure building without access for trespassers once the doors were locked, and various other tools and information which would have allowed the teachers and staff of SANDYHOOK ELEMENTARY SCHOOL in rooms eight (8) and ten (10) to follow the proscribed safety and lock-down procedures, in violation of C.G.S. § 52-557n

- h. As a student of SANDY HOOK ELEMENTARY SCHOOL, JESSE LEWIS was an identifiable victim of an imminent harm that had become transparent to the teacher(s) in his classroom when the first shots were fired by the shooter to gain access to the building;
- i. The teachers had no discretion in enacting the policies and procedures for the safe “lock down” and evacuation of the school if a trespasser or other dangerous and improper individual entered school property by the mandates of the safety policies and procedures set forth by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL;
- j. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated in time to the collection of minutes from when ADAM LANZA first shot out the front window until he ultimately took his own life; and was restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms; in that the teachers and other staff in his classroom were well-aware of this imminent harm as

gun shots had been firing down the hallway outside the door to JESSE LEWIS' classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS' classroom were on notice that an imminent harm was present to the identifiable victims in their classroom; and

- k. The danger was apparent to JESSE LEWIS' teacher(s) and other staff in his classroom in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside same classroom to an immediate and undeniable danger, and the staff's failure or inability to act, to lock the door or otherwise follow the lock-down procedure would undeniably place the students, including JESSE LEWIS, in immediate danger.

- 21. As a result of the shooting and failure by the TOWN OF NEWTOWN, NEWTOWN BOARD OF EDUCATION and SANDY HOOK ELEMENTARY to follow the proscribed protocols, JESSE LEWIS suffered massive injuries and untimely death.
- 22. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
- 23. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting.

24. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
25. JESSE LEWIS was a studious and dedicated student whose life was cut short before he could finish his education, and/or begin a career; and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

FOURTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER (hereinafter, "NOAH POZNER").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and

communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.

4. At all material times herein, DAVID FLEISHMAN, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives, while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.
5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety

and well-being under C.G.S. §§§§ 10-233, 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. §52-557n.

7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the “lock-down” and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including NOAH POZNER.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.
9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety

protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder's presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.

10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even-numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZAS, presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school "lock-down" plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the "lock down" and evacuation plan was created, but which was rendered impossible to follow, with so many key components missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.
13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL.
14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the

creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.

15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
17. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his first grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the

building with a rifle-type gun; and was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located.

20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.

25. At the time ADAM LANZLA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZLA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).
27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZLA killed twenty students and four adults before taking his own life outside classroom ten (10).

29. NOAH POZNER was one of the twenty (20) students killed.

30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as “lock-down” and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the “lock down” portion of the safety protocols virtually impossible to follow, in violation of C.G.S. § 52-557n.
- b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.
- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the “lock down” and evacuation procedures as instituted by, THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the “lock down procedure” thereby making it impossible to

even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. §52-557n;

- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful “lock down” of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by THE BOARD, THE TOWN OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training

to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the “lock down” and evacuation security plan, in violation of C.G.S. § 52-557n;

- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a “lock-down” and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which NOAH POZNER and his classmates were located in their classrooms; in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER’S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER’S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the

BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including NOAH POZNER, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the shooter was able to gain access to NOAH POZNER'S classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to NOAH POZNER suffering massive fatal injuries and death.

32. NOAH POZNER suffered both physically and mentally prior to his untimely death.

33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

FIFTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER, (hereinafter, "NOAH POZNER").
2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as "THE TOWN"), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, DAVID FLEISHMAN was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and

legal mandates, among the Defendant, THE TOWN'S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL, and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.

4. At all material times herein, DAVID FLEISHMAN, as the TOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.
5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct,

allegations, investigations, penalties, and to ensure student safety and well-being under §§§§ 10-233, 10-220, 10-220f, 17a-101, 10-222d, and 10-221.

7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the “lock-down” and evacuation plan previously practiced in a “drill” setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMENTARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, NOAH POZNER, in violation of C.G.S. §52-557n.
8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMENTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.

9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder’s presence became known, in violation of C.G.S. §52-557n
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’s, presence became known in violation of C.G.S. §52-557n.
11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school “lock-down” plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and

safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD'S, TOWN'S and SCHOOL'S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.

13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training, supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.
14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD,.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other

codified rules and regulations concerning student safety mandated under CGS §233a, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.

16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
18. NOAH POZNIER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his first grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where NOAH POZNIER'S classroom was located. .
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the

- hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school

psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. NOAH POZNER was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
- b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557n
- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. The failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557n
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;
- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which NOAH POZNER and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER'S classroom were on notice that an imminent harm was present to the identifiable victims in the

classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and

- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure would place the students, including NOAH POZNER, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

31. As a result of the shooting and failure to follow the proscribed protocols, NOAH POZNER suffered massive injuries and death.
32. NOAH POZNER suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and

35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

THE SIXTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR against SANDY HOOK ELEMENTARY SCHOOL)

1. Plaintiff, LEONARD POZNER, is the duly appointed Administrator of the Estate of his son, NOAH POZNER, (hereinafter, "NOAH POZNER").
2. Defendant, SANDY HOOK ELEMENTARY SCHOOL, was, at all times mentioned herein, a learning institution existing under the rules, regulations, and guidelines of the Connecticut General Statutes, NEWTOWN BOARD OF EDUCATION, the TOWN OF NEWTOWN and the State of Connecticut, and subject to the same rules and regulations as aforementioned.
3. SANDY HOOK ELEMENTARY SCHOOL, was, at all times mentioned herein, located in the town of Newtown, County of Fairfield, and State of Connecticut.
4. The defendant, SANDY HOOK ELEMENTARY SCHOOL, was to follow safety procedures and policies enacted by THE TOWN of NEWTOWN, THE NEWTOWN BOARD of EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL for the safety of its students during school hours; most specifically a "lock-down" and evacuation plan enacted should a stranger, or other improper or dangerous individual enter the school during school hours, or otherwise endanger the students, and to ensure the safety of its students.

5. The details of this plan were relayed to school personnel prior to December 14, 2012, and had been rehearsed and practiced by staff and students days/weeks earlier in a "drill" fashion.
6. The details of this plan left no discretion to the teachers or other employees of SANDY HOOK ELEMENTARY SCHOOL as to how it was to be carried out, and was to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, as developed by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL.
7. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
8. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
9. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
10. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
11. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the

building with a rifle-type gun; and was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located.

12. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
13. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
14. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
15. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
16. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.

17. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
18. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the shooter to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).
19. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
19. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).

20. NOAH POZNER was one of the twenty (20) students killed.

21. On December 14, 2012 the SANDY HOOK ELEMENTARY SCHOOL, negligently failed to adhere to the mandatory safety policies and procedures, such as “lock-down” and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:

- a. They failed to lock the doors to the classrooms eight (8) and ten (10) to prevent the ADAM LANZA access to those rooms in violation of Connecticut General Statutes § 52-557n.
- b. The Plaintiff brings this action pursuant to §52-555 of the Connecticut General Statutes;
- c. They failed to take the students to a safer location within the classroom, such as the bathroom; which had an internal locking mechanism to the door; in violation of C.G.S. § 52-557n;
- d. They did not or could not take the necessary efforts to follow the mandatory “lock-down” or evacuation protocols, in violation of C.G.S. § 52-557n;
- e. They had run drills days earlier to prepare for such a contingency and did not follow the protocols and procedures outlined in the mandatory safety procedures, or practiced in the drills, despite having no discretion in enacting these proscribed safety measures, in violation of C.G.S. §52-557n;

- f. They did not, or were unable, to take steps to protect, secure, or otherwise prevent the killing of the decedent, despite having adequate notice that an intruder was on premises and inflicting mortal wounds to staff and personnel of SANDY HOOK ELEMENTARY SCHOOL; despite having a lull in the shooting within which the “lock-down” procedure could have been effectuated as demanded by the protocol, and despite having a plan in place for just such a contingency, in violation of C.G.S. § 52-557n;
- g. By failing to provide the staff and other agents of SANDY HOOK ELEMENTARY SCHOOL with the necessary tools and training to implement the safety protocols, such as keys to the doors in order to lock same, the “lock-down” and evacuation plan itself, a secure building without access for trespassers once the doors were locked, and various other tools and information which would have allowed the teachers and staff of SANDYHOOK ELEMENTARY SCHOOL in rooms eight (8) and ten (10) to follow the proscribed safety and lock-down procedures, in violation of C.G.S. § 52-557n
- h. As a student of SANDY HOOK ELEMENTARY SCHOOL, NOAH POZNER was an identifiable victim of an imminent harm that had become transparent to the teacher(s) in his classroom when the first shots were fired by the shooter to gain access to the building;

- i. The teachers had no discretion in enacting the policies and procedures for the safe “lock down” and evacuation of the school if a trespasser or other dangerous and improper individual entered school property by the mandates of the safety policies and procedures set forth by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL;
- j. The harm to which NOAH POZNER was exposed was imminent in that it was isolated in time to the collection of minutes from when ADAM LANZA first shot out the front window until he ultimately took his own life; and was restricted to the area in which NOAH POZNER and his classmates were located in their classrooms; in that the teachers and other staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER’S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER’S classroom were on notice that an imminent harm was present to the identifiable victims in their classroom; and
- k. The danger was apparent to NOAH POZNER’S teacher(s) and other staff in his classroom in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside same classroom to an immediate and undeniable danger, and the staff’s failure or inability to act, to

lock the door or otherwise follow the lock-down procedure would undeniably place the students, including NOAH POZNER, in immediate danger.

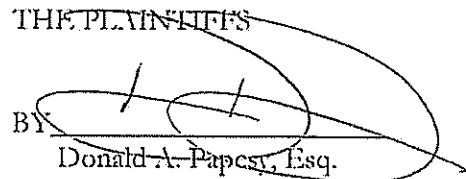
21. As a result of the shooting and failure by the TOWN OF NEWTOWN, NEWTOWN BOARD OF EDUCATION and SANDY HOOK ELEMENTARY to follow the proscribed protocols, NOAH POZNER suffered massive injuries and untimely death.
22. NOAH POZNER suffered both physically and mentally prior to his untimely death.
23. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting.
24. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
25. NOAH POZNER was a studious and dedicated student whose life was cut short before he could finish his education, and/or begin a career; and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

WHEREFORE, Plaintiff claims:

1. Monetary damages;
2. Such other and further relief as this Honorable Court may deem just and equitable.

THE PLAINTIFFS

BY



Donald A. Papcsy, Esq.
Papcsy Janosov Roche, LLC
53 East Avenue
Norwalk, CT 06581
P: (203) 642.3888
Juris No. 428746

RETURN DATE: JANUARY 27, 2015

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POSNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

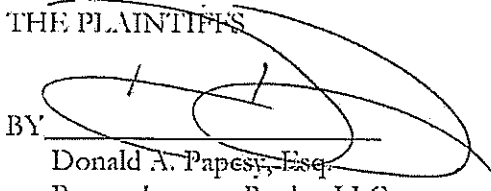
: DECEMBER 12, 2014

AMOUNT IN DEMAND

The amount, legal interests, or property in demand is FIFTEEN THOUSAND AND
NO/100 DOLLARS (\$15,000.00) or more, exclusive of interests and costs.

THE PLAINTIFFS

BY


Donald A. Papesy, Esq.
Papesy Janosov Roche, LLC
53 East Avenue
Norwalk, CT 06581
P: (203) 642.3888
Juris No. 428746

State Marshal N. E. Nikola

P.O. Box 5797
Bridgeport, CT 06610

RETURN OF SERVICE

STATE OF CONNECTICUT

SS: Bridgeport

COUNTY OF FAIRFIELD

In the matter concerning: The Estate of Jesse Lewis, Scarlett Lewis as Administratrix and
 The Estate of Noah Pozner, Leonard Pozner as Administrator
 Vs:
 The Town of Newtown, Sandy Hook Board of Education and
 Sandy Hook Elementary School

January 9th, 2015

Then and there, by virtue hereof and at the direction of the plaintiff's attorney, I made service of the within and foregoing original Writ, Summons, Complaint and Amount in Demand by leaving a True and Attest Copy with and in the hands of Debbie Aurelia Halstead, Town Clerk and person authorized to accept service for The Town of Newtown at 3 Primrose Street, Newtown, CT with my doings hereon endorsed.

Then and there, by virtue hereof and at the direction of the plaintiff's attorney, I made further service of the within and foregoing original Writ, Summons, Complaint and Amount in Demand by leaving *two* True and Attest Copies with and in the hands of Debbie Aurelia Halstead, Town Clerk and person authorized to accept service for Sandy Hook Board of Education Superintendent: Joseph Eradi, Jr. at 3 Primrose Street, Newtown, CT with my doings hereon endorsed.

Then and there, by virtue hereof and at the direction of the plaintiff's attorney, I made further service of the within and foregoing original Writ, Summons, Complaint and Amount in Demand by leaving *two* True and Attest Copies with and in the hands of Debbie Aurelia Halstead, Town Clerk and person authorized to accept service for Sandy Hook Elementary School Principal: Sandy Gombos at 3 Primrose Street, Newtown, CT with my doings hereon endorsed.

Attest N. E. Nikola
N. E. Nikola
State Marshal
Fairfield County

Service	\$ 80.00
Travel	\$ 26.00
Pages	\$330.00
Copies	\$330.00
Endorsements	<u>\$ 6.40</u>
	\$772.40

A.75

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: SEPTEMBER 1, 2016

REQUEST FOR LEAVE TO FILE ATTACHED REVISED THIRD COMPLAINT

The Plaintiffs in the above-captioned matter hereby requests the court's permission to file the attached Revised Third Complaint. The Plaintiffs are filing the attached complaint with the revisions sustained in this Honorable Court's August 26, 2016 ruling(s) on the Defendants' June 3, 2015 Request to Revise and the Plaintiffs' Objections thereto. All sustained revisions have been made in accordance with the Connecticut Practice Book, and the August 26, 2016 ruling of this Court; in addition, all counts referencing parties no longer in the action have been removed from the attached Revised Third Complaint.

RESPECTFULLY SUBMITTED
THE PLAINTIFFS

By s/426709/
Devin W. Janosov, Esq.
Papcsy Janosov Roche
53 East Ave.
Norwalk, CT 06851
Juris No.: 428746
P: 203.642.3888

A.76

ORDER

The Plaintiffs request is hereby:

GRANTED/DENIED

Clerk/Judge of the Superior Court

CERTIFICATION

This is to certify that a copy of the foregoing, has been sent to all counsel of record and pro se parties in the above titled action, on the date marked hereon:

Charles Deluca, Esq.
Ryan, Ryan, Delucca, LLP
707 Summer Street
Stamford, CT 06901

Monte Frank, Esq.
Cohen and Wolf, PC
158 Deer Hill Ave.
Danbury, CT 06810

s/426709/
Devin Janosov

DOCKET NO.: DBD CV15 6016722-S : SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS CO-ADMINISTRATOR; THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR : J.D. OF DANBURY

V. : AT DANBURY

THE TOWN OF NEWTOWN, ET AL. : SEPTEMBER 1, 2016

REVISED THIRD COMPLAINT

FIRST COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK

ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.

3. At all material times herein, JANET ROBINSON was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.
4. At all material times herein, JANET ROBINSON, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-today operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives, while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under C.G.S. §§ 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. §52-557n.
7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220 instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the “lock-down” and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including JESSE LEWIS.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.

9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder’s presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.
10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even –numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’S, presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOO ELEMENTARY SCHOOL with a secure front entrance,

leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school “lock-down” plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the “lock down” and evacuation plan was created, but which was rendered impossible to follow, with so many key components missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.
13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK

ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL.

14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §§10-220 and 10-220f, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.
15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

17. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located.
20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
25. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
29. JESSE LEWIS was one of the twenty (20) students killed.
30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as “lock-down” and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the “lock down” portion of the safety protocols virtually impossible to follow, in violation of C.G.S. §52-557n.
 - b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.

- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the “lock down” and evacuation procedures as instituted by, THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the “lock down procedure” thereby making it impossible to even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. § 52-557n;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful “lock down” of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by THE BOARD, THE TOWN

OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the “lock down” and evacuation security plan, in violation of C.G.S. § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a “lock-down” and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms; in that the

teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSE LEWIS' classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS' classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to JESSE LEWIS' teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including JESSE LEWIS, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the intruder was able to gain access to JESSE LEWIS' classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to JESSE LEWIS suffering massive fatal injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

SECOND COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, SCARLETT LEWIS is the duly appointed Administratrix of the Estate of her son, JESSE LEWIS and NEIL HESLIN is co-administrator of the estate (hereinafter, "JESSE LEWIS").

2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as "THE TOWN"), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, JANET ROBINSON was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the Defendant, THE TOWN'S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.
4. At all material times herein, JANET ROBINSON, as the TOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or

representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under §§§ 10-220, 10-220f, and 10-221.
7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the “lock-down” and evacuation plan previously practiced in a “drill” setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMETARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, JESSE LEWIS, in violation of C.G.S. §52-557n.

8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMNTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.
9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder’s presence became known, in violation of C.G.S. §52-557n
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’s, presence became known in violation of C.G.S. §52-557n.

11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school “lock-down” plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD’S, TOWN’S and SCHOOL’S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.
13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training,

supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.

14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD,.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §§ 10-220 and 10-220f, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.
16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

18. JESSE LEWIS was located within the school building at 9:30am on December 14, 2012, in classroom (10), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where JESSE LEWIS' classroom was located. .
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. JESSE LEWIS was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of JESSE LEWIS and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
 - b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
 - c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation

procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557n

- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557n
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK

ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;

- i. The harm to which JESSE LEWIS was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which JESSE LEWIS and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to JESSE LEWIS'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in JESSE LEWIS'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and
- j. The danger was apparent to JESSE LEWIS'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure would

place the students, including JESSE LEWIS, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

31. As a result of the shooting and failure to follow the proscribed protocols, JESSE LEWIS suffered massive injuries and death.
32. JESSE LEWIS suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF JESSE LEWIS incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, JESSE LEWIS' capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. JESSE LEWIS was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

THIRD COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE NEWTOWN BOARD OF EDUCATION)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER (hereinafter, "NOAH POZNER").
2. Defendant, THE NEWTOWN BOARD OF EDUCATION (Hereinafter referred to as "BOARD"), was, upon information and belief, an elected Municipal Board, constituted and

convened for purposes including, but not limited to, the implementation and administration of policies, procedures, and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the TOWN OF NEWTOWN, including SANDY HOOK ELEMENTARY SCHOOL; and was a vital participant in disseminating the safety policies and procedures for SANDY HOOK ELEMENTARY SCHOOL from the TOWN OF NEWTOWN to THE SANDY HOOK ELEMENTARY SCHOOL.

3. At all material times herein, JANET ROBINSON was the TOWN OF NEWTOWN'S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD'S policies, procedures, regulations, directives, and statutory and legal mandates, among the TOWN OF NEWTOWN'S individual schools, including SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools' teachers, educational assistants and employees as dictated by THE BOARD.
4. At all material times herein, JANET ROBINSON, as the TOWN OF NEWTOWN'S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN OF NEWTOWN'S Public School system, overseeing school administrators' management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD, via their agents, servants, employees, or representatives,

while THE TOWN OF NEWTOWN, THE NEWTOWN BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS' safety guidelines, and the implementation of same.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or THE TOWN OF NEWTOWN.
6. At all material times herein the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under C.G.S. §§ 10-220, 10-220f, and 10-221, and failed to do so under C.G.S. § 52-557n.
7. At all material times herein the Defendant, THE BOARD, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its staff and/or agents, concerning the safety of the schools in the Newtown Public School District, including the "lock-down" and evacuation plan previously practiced, but never implemented on December 14, 2012, by the SANDY HOOK ELEMENTARY staff; the failure of which to implement resulted in the death of twenty (20) students, including NOAH POZNER.
8. The Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE TOWN OF NEWTOWN, THE BOARD and

SANDY HOOK ELEMENTARY SCHOOL, thereby making it so that the SANDY HOOK ELEMENTARY SCHOOL staff in rooms eight (8) and ten (10) were unable to implement said obligatory safety protocols on December 14, 2012 when an intruder, ADAM LANZA entered the building.

9. The Defendant, THE BOARD, through its agents and employees, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to said classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said substitute teacher or teacher to follow the ministerial duty of implementing the safety protocols established by THE TOWN OF NEWTOWN, THE BOARD and SANDY HOOK ELEMENTARY SCHOOL when the intruder’s presence became unmistakably known, and the danger to the identifiable class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL.
10. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside; and instead these doors to the even –numbered classrooms had to be locked from the outside through the use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’S, presence became unmistakably known, and the danger to the identifiable

class of victims in rooms eight (8) and ten (10) became imminent and readily apparent to the staff of SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.

11. The Defendant, THE BOARD, as agents and employees of THE TOWN OF NEWTOWN, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors at the outset of the school day irrelevant and impotent in the effectuation of the school “lock-down” plan established by the TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, in violation of C.G.S. §52-557n.
12. The Defendant, THE BOARD as agents and employees of THE TOWN OF NEWTOWN, was negligent in that it failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN OF NEWTOWN and THE SANDY HOOK ELEMENTARY SCHOOL implemented in case an intruder gained access to the school grounds, and thereby made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and/or staff to effectuate in a time of emergency; henceforth violating the ministerial duty created by THE TOWN, THE BOARD, and SANDY HOOK ELEMENTARY SCHOOL to provide a safe school environment, which all voluntarily undertook when the “lock down” and evacuation plan was created, but which was rendered impossible to follow, with so many key components

missing for a successful implementation, after creating the ministerial duty to do so, all in violation of C.G.S. §52-557n.

13. The details and proscriptions of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL.
14. The Defendant had created a ministerial duty for all employees, agents and members to take whatever precautions necessary and enumerated in the safety procedures set forth by THE BOARD, THE TOWN OF NEWTOWN, and THE SANDY HOOK ELEMENTARY SCHOOL, to protect the Plaintiff from his wrongful death on December 14, 2012 due to the creation of their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §§ 10-220 and 10-220f, and due to their acute knowledge of the imminent and apparent harm the intruder ADAM LANZA presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he first shot out the front windows of the school on December 14, 2012; at which time the fact an intruder was present on the school premises, and the fact that the identifiable victims were in an imminent harm became apparent to the staff, agents, employees and members of THE SANDY HOOK ELEMENTARY SCHOOL.

15. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day as part of the aforementioned safety policy established by the TOWN, THE BOARD and THE SCHOOL.
16. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.
17. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
18. At approximately 9:35am ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
19. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; and was seen shooting the rifle down the hallway where NOAH POZNER' S classroom was located.
20. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
21. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine

- (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.
22. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
23. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
24. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
25. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
26. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no

classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION, and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

27. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
28. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
29. NOAH POZNER was one of the twenty (20) students killed.
30. On December 14, 2012 THE BOARD, and its staff and employees negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures, such as "lock-down" and evacuation, established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION and THE SANDY HOOK ELEMENTARY SCHOOL in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside thereby making the "lock down" portion of the safety protocols virtually impossible to follow, in violation of C.G.S. §52-557n.

- b. The Plaintiff brings this action pursuant to § 52-555 of the Connecticut General Statutes.
- c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the “lock down” and evacuation procedures as instituted by, THE BOARD THE TOWN OF NEWTOWN AND THE SANDY HOOK ELEMENTARY SCHOOL for situations precisely like the one that presented itself on December 14, 2012, in violation of C.G.S. § 52-557n;
- d. They failed to provide certain teachers with keys to the classrooms or training or information concerning the “lock down procedure” thereby making it impossible to even attempt to lock the doors to the classroom, which could only be locked from the outside with a key, in violation of C.G.S. § 52-557n;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school; making access to the building relatively simple, and successful “lock down” of the building virtually impossible, in violation of C.G.S. § 52-557n;
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school; essentially rendering the locking of the

school doors; a mandated requirement instituted by THE BOARD, THE TOWN OF NEWTOWN and SANDY HOOK ELEMENTARY SCHOOL a useless and purposeless gesture in violation of C.G.S. § 52-557n;

- g. They failed to follow their own guidelines regarding school safety which THE BOARD THE TOWN, and THE SANDY HOOK ELEMENTARY SCHOOL established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221, which then became ministerial in nature once established to all agents, employees, and members of the BOARD and THE SANDY HOOK ELEMENTARY SCHOOL, by failing to provide adequate equipment and training to the staff and personnel of THE SANDY HOOK ELEMENTARY SCHOOL on how to successfully implement the “lock down” and evacuation security plan, in violation of C.G.S. § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a “lock-down” and evacuation if an intruder entered SANDY HOOK ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment, building security, and training to effectuate the ministerial duty of following the safety protocols, in violation of §52-557n;
- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in

which NOAH POZNER and his classmates were located in their classrooms; in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so in violation of C.G.S. §52-557n; and

- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door, in part because the substitute was not provided with a key to do so, or otherwise follow the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience, would place the students, including NOAH POZNER, in immediate danger, but the teachers and other staff, agents and employees could not implement the mandatory security guidelines because the BOARD failed to provide adequate equipment and resources to do so.

31. As a result direct of the failure to provide the necessary equipment and training to follow the safety and security guidelines established by THE TOWN OF NEWTOWN, THE BOARD, and THE SANDY HOOK ELEMENTARY SCHOOL, the shooter was able to gain access to NOAH POZNER'S classroom and same failure resulted in the shooting and failure to follow the proscribed protocols, thereby leading to NOAH POZNER suffering massive fatal injuries and death.
32. NOAH POZNER suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

FOURTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR, against THE TOWN OF NEWTOWN)

1. Plaintiff, LEONARD POZNER is the duly appointed Administrator of the Estate of his son, NOAH POZNER, (hereinafter, "NOAH POZNER").

2. Defendant, THE TOWN OF NEWTOWN (Hereinafter and previously referred to as “THE TOWN”), was, upon information and belief, a corporate entity or government politic charged with the safety and education of the inhabitants of its town, including the education of the children located therein from grade school through high school; and the safety of those children while in the schools and at the school functions established by THE TOWN under CGS §§ 17a-101.
3. At all material times herein, JANET ROBINSON was the TOWN OF NEWTOWN’S Superintendent of Schools, and was responsible for coordinating, implementing, and communicating THE BOARD’S policies, procedures, regulations, directives, and statutory and legal mandates, among the Defendant, THE TOWN’S individual schools, including, Defendant, SANDY HOOK ELEMENTARY SCHOOL and was also responsible for the hiring, training, supervision, professional development and general guidance of the Newtown public schools’ teachers, educational assistants and employees as dictated by THE BOARD through the TOWN.
4. At all material times herein, JANET ROBINSON, as the TOWN’S superintendent was responsible for the operation, supervision, control and safety of students and for managing the entire TOWN’S Public School system, overseeing school administrators’ management of day-to-day operations of individual schools, including, SANDY HOOK ELEMENTARY SCHOOL, and acting as liaison between the individual schools and Defendant, THE BOARD as an extension of the Defendant, THE TOWN, via their agents, servants, employees, or

representatives, who were responsible for the creation, maintenance, supervision, operation, and/or control, of the NEWTOWN PUBLIC SCHOOLS, as delegated by the Defendant, THE TOWN.

5. At all material times herein the superintendent was an agent, servant, employee, or other representative of the Defendant, THE BOARD, and/or the Defendant, THE TOWN.
6. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, was under a legal and ministerial duty to create, enforce, and abide by a collection of rules and regulations concerning various employee and student conduct, allegations, investigations, penalties, and to ensure student safety and well-being under §§§ 10-220, 10-220f, and 10-221.
7. At all material times herein the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, and along with the Defendant THE SANDY HOOK ELEMENTARY SCHOOL, under the requirements of CGS § 10-220f instituted school safety policies and procedures which left no area for discretion by its implementers, concerning the safety of the schools in the NEWTOWN PUBLIC SCHOOL district, including the “lock-down” and evacuation plan previously practiced in a “drill” setting, but never before implemented by the SANDY HOOK ELEMENTARY staff; prior to nor on the December 14, 2012 incident at THE SANDY HOOK ELEMENTARY SCHOOL the failure of which to implement same, resulted in the death of twenty (20) students, including, NOAH POZNER, in violation of C.G.S. §52-557n.

8. The Defendant, THE TOWN, acting through an extension of itself, the Defendant, THE BOARD, failed to provide the staff of SANDY HOOK ELEMENTARY SCHOOL with the necessary information, tools, and training to properly implement the safety protocols previously established by THE BOARD, THE TOWN AND THE SANDY HOOK ELEMNTARY SCHOOL regarding intruders on the SANDY HOOK ELEMENTARY SCHOOL grounds, making it so that THE SANDY HOOK ELEMENTARY SCHOOL staff was unable to implement said security protocols on December 14, 2012 when the intruder entered the building, in violation of C.G.S. § 52-557n.
9. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide a substitute teacher, or teacher, in classroom eight (8) or ten (10) with a key to lock the door to the classroom, or the proper training regarding the mandatory “lock-down” and evacuation plan the teachers were to follow should an intruder enter the school premises, making it impossible for said teacher to follow the ministerial duty of implementing the safety protocols when the intruder’s presence became known, in violation of C.G.S. § 52-557n
10. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with doors to the even numbered classrooms that could be locked from the inside, and had to be locked from the outside by use of a key, thereby making it impossible for the teachers of SANDY HOOK ELEMENTARY SCHOOL to follow the ministerial duty of locking down the school and evacuating students when the intruder, ADAM LANZA’s, presence became known in violation of C.G.S. § 52-557n.

11. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to provide the SANDY HOOK ELEMENTARY SCHOOL with a secure front entrance, leaving a non-security glass window, with measurements of nearly three (3) feet wide by four (4) feet high directly next to the locked doors of the school; essentially rendering the locking of the school doors irrelevant and impotent in the school “lock-down” plan, in violation of C.G.S. §52-557n.
12. The Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to follow or provide its school systems with the necessary tools to implement the security and safety guidelines which THE BOARD, THE TOWN and SANDY HOOK ELEMENTARY SCHOOL implemented and made a ministerial duty that left no room for discretion by the SANDY HOOK ELEMENTARY SCHOOL teachers and staff to effectuate in a time of emergency, thereby violating THE BOARD’S, TOWN’S and SCHOOL’S own ministerial duty to provide a safe school environment, which it voluntarily undertook but failed to follow after implementing a ministerial duty to do so.
13. The details of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, ministerial plan were reduced to writing and hung on the inside of classrooms within SANDY HOOK ELEMENTARY SCHOOL on December 14, 2012, but were impossible to follow because the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD, had violated the conditions of same by failing to provide adequate training,

supervision, and equipment to implement said security procedures, thereby violating C.G.S. §52-557n.

14. The details of this plan left no discretion to the teachers or other employees and were to be followed as outlined for the safety of the children at SANDY HOOK ELEMENTARY SCHOOL, by mandate of the Defendant, THE TOWN, acting through its agents at the Defendant, THE BOARD,.
15. The Defendant had a ministerial duty to take whatever precautions necessary to protect the Plaintiff from his wrongful death on December 14, 2012 due to their own internal policies codified in the Board of Education's internal handbooks, policies, procedures, and other codified rules and regulations concerning student safety mandated under CGS §§ 10-220 and 10-220f, and due to their acute knowledge and the specific danger the shooter presented to the identifiable victims of the SANDY HOOK ELEMENTARY SCHOOL when he shot out the front windows and the fact an intruder was present on the school premises became apparent.
16. On December 14, 2012, at approximately 9:30am, the front doors of SANDY HOOK ELEMENTARY SCHOOL were locked for the beginning of the school day to secure the school as they typically were on every other day.
17. Located directly to the right side of the locked front doors of the school was a non-safety glass window with dimensions of approximately three (3) feet in width and four (4) feet in height.

18. NOAH POZNER was located within the school building at 9:30am on December 14, 2012, in classroom (8), his First grade classroom for the school hours of the day, as a student of the SANDY HOOK ELEMENTARY SCHOOL, which is a public school.
19. At approximately 9:35pm ADAM LANZA shot out the window located next to the locked school doors, and gained easy access to SANDY HOOK ELEMENTARY SCHOOL.
20. The main office staff reported hearing glass breaking and gunshots at approximately 9:35 am and saw a white male with a hat and sunglasses, later identified as ADAM LANZA, come into the building with a rifle-type gun; he was seen shooting the rifle down the hallway where NOAH POZNER'S classroom was located. .
21. ADAM LANZA shot down the hallway at the principal and other staff at this time and killed the principal and the school psychologist who had exited conference room 9 at the end of the hallway to see what the loud banging (gunfire) noises were; all were attending a planning and placement meeting with other staff members and a student's parents.
22. A staff member standing behind the principal and school psychologist was shot in the leg; but remained prone on the ground for a moment before crawling back into conference room nine (9) and made a call to 9-1-1 also immediately turning on the school intercom system through the phone located in room nine (9), which allowed other areas of the school to hear what was going on in the building.

23. ADAM LANZA then entered the main office to the school, where all staff members were hiding within the office; ADAM LANZA exited the school office; and then he entered the school office again; during which time no shots were fired and there was a lull in the gunfire.
24. After ADAM LANZA'S second exit from the main office, the office staff immediately called 9-1-1.
25. ADAM LANZA then entered the unlocked doors of classrooms eight (8) and then ten (10), the first grade classrooms of SANDY HOOK ELEMENTARY SCHOOL.
26. At the time ADAM LANZA entered these rooms, no doors had been locked, none of the children had been moved to a safe location, like the bathroom located inside both of these classrooms; bathrooms which could be locked from the inside.
27. Neither classroom eight (8) nor classroom ten (10) had internal locks to their doors; the only way to lock these doors was to lock them from the outside with a key; despite hearing the gunshots that broke the glass window, the gunshots that killed the principal and school psychologist; the gunshots that wounded the other staff member who opened the intercom system from conference room nine (9); or the lull in gunfire that transpired in the time that it took the intruder, ADAM LANZA, to investigate the main office before re-entering the hallway and opening the unlocked doors to classrooms eight (8) and ten (10); thereby effectively no classroom doors were locked in accordance with the aforementioned lock-down or evacuation procedures established by THE TOWN OF NEWTOWN, THE BOARD OF EDUCATION,

and THE SANDY HOOK ELEMENTARY SCHOOL, and were therefore not followed in classrooms eight (8) and ten (10).

28. Classroom eight (8) was occupied by a substitute teacher who had neither a key to lock the door, nor any knowledge or training regarding the aforementioned safety and security protocols recently rehearsed at SANDY HOOK ELEMENTARY SCHOOL in case an intruder or other dangerous individual gained access to the school.
29. Upon entering classrooms eight (8) and ten (10) the ADAM LANZA killed twenty students and four adults before taking his own life outside classroom ten (10).
30. NOAH POZNER was one of the twenty (20) students killed.
31. On December 14, 2012 THE TOWN, acting through its agents at the Defendant, THE BOARD, failed to adhere to the mandatory safety policies and procedures which they implemented, making them ministerial in nature, in one or more of the following ways thereby causing the wrongful death of NOAH POZNER and other damages set forth herein:
 - a. They failed to provide SANDY HOOK ELEMENTARY SCHOOL with doors that could be locked from the inside.
 - b. The Plaintiffs bring this action pursuant to § 52-555 of the Connecticut General Statutes.
 - c. They failed to train and supervise the staff at SANDY HOOK ELEMENTARY SCHOOL on the proper way to implement the lock down and evacuation

procedures as proscribed by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD; in violation of CGS § 52-557n

- d. They failed to provide certain teachers with keys to the classrooms to attempt to lock the doors to the classroom, which could only be locked from the outside with a key;
- e. They failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of the policies and procedures should an intruder enter the building; in violation of CGS § 52-557n
- f. They left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly next to the locked doors of the school; essentially rendering the locking of the school doors; a mandated requirement instituted by the Defendant, THE TOWN through its agents at the Defendant, THE BOARD, a useless and purposeless gesture in violation of CGS § 52-557n;
- g. They failed to follow their own guidelines regarding school safety which they established in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221 which became ministerial in nature once established, by failing to provide adequate equipment and training to the staff and personnel of SANDY HOOK ELEMENTARY SCHOOL in violation of CGS § 52-557n;
- h. They left the teachers and staff with no discretion in implementing the policies and procedures for a lock-down and evacuation if an intruder entered SANDY HOOK

ELEMENTARY SCHOOL, but failed to provide the same individuals with the proper equipment and training to effectuate the ministerial duty of following the safety protocols, in violation of CGS § 52-557n;

- i. The harm to which NOAH POZNER was exposed was imminent in that it was isolated to the collection of minutes from when the ADAM LANZA shot out the front window until he ultimately committed suicide; and was restricted to the area in which NOAH POZNER and his classmates were located in their classrooms in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots had been firing down the hallway outside the door to NOAH POZNER'S classroom killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in NOAH POZNER'S classroom were on notice that an imminent harm was present to the identifiable victims in the classroom but could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n; and
- j. The danger was apparent to NOAH POZNER'S teacher(s) in that it was easily observed and understood that gunfire down the hallway outside the classroom door would expose the children inside to an immediate and undeniable danger, and the teacher's failure to act to lock the door or otherwise follow the lock-down procedure

would place the students, including NOAH POZNER, in immediate danger but the teachers could not implement the mandatory security guidelines because THE TOWN through its agents at the Defendant, THE BOARD failed to provide adequate equipment and resources to do so in violation of CGS § 52-557n.

31. As a result of the shooting and failure to follow the proscribed protocols, NOAH POZNER suffered massive injuries and death.
32. NOAH POZNER suffered both physically and mentally prior to his untimely death.
33. THE ESTATE OF NOAH POZNER incurred both medical expenses and burial and funeral expenses, as a result of the events following the shooting;
34. Because of his death, NOAH POZNER'S capacity to enjoy life's activities and have a family were completely and permanently extinguished; and
35. NOAH POZNER was a studious and dedicated student who's life was cut short before he could finish his education, begin a career, and he therefore lost a lifetime of potential earnings, and the opportunity for the participation in a lifetime of experiences and enjoyment.

WHEREFORE, Plaintiff claims:

1. Monetary damages;
2. Such other and further relief as this Honorable Court may deem just and equitable.

THE PLAINTIFFS

BY s/426709/
Devin W. Janosov, Esq.
Papcsy Janosov Roche, LLC
53 East Avenue
Norwalk, CT 06581
P: (203) 642.3888
Juris No. 428746

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: SEPTEMBER 1, 2016

AMOUNT IN DEMAND

The amount, legal interests, or property in demand is FIFTEEN THOUSAND AND
NO/100 DOLLARS (\$15,000.00) or more, exclusive of interests and costs.

THE PLAINTIFFS

BY s/426709/
Devin W. Janosov, Esq.
Papcsy Janosov Roche, LLC
53 East Avenue
Norwalk, CT 06581
P: (203) 642.3888
Juris No. 428746

CERTIFICATION

This is to certify that a copy of the foregoing, has been sent to all counsel of record and pro se parties in the above titled action, on the date marked hereon:

Charles A. Deluca, Esq.
Ryan, Ryan, Delucca, LLP
707 Summer Street
Stamford, CT 06901

Monte Frank, Esq.
Cohen and Wolf, PC
158 Deer Hill Ave.
Danbury, CT 06810

s/426709/
Devin Janosov

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS
ADMINISTRATRIX AND NEIL HESLIN
AS CO-ADMINISTRATOR AND THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

OCTOBER 14, 2016

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

ANSWER AND SPECIAL DEFENSES TO REVISED THIRD COMPLAINT

**FIRST COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS
ADMINISTRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR against THE
NEWTOWN BOARD OF EDUCATION)**

1. The Defendant, Newtown Board of Education (the "Board"), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
2. The Board admits that it is an elected Municipal Board, constituted and convened for purposes including the implementation and administration of policies, procedures and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the Town of Newtown, including Sandy Hook Elementary School. The Board, through its employees, disseminates all policies, procedures and guidelines for the public schools in Newtown.
3. Admit.
4. The Board admits that Ms. Robinson had overall responsibility for the operation of the Town's school system including student safety and that she was the liaison between the

A-129

various schools and the Board. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.

5. Admit.
6. The Board admits that Gen. Stat. §§ 10-220, 10-220f or 10-221 apply to it. The Board denies that it violated any provisions of Conn. Gen. Stat. §§ 10-220, 10-220f, 10-221 or 52-557n.
7. Denied.
8. Denied.
9. Denied.
10. The Board admits that the door to the classrooms did not lock from the inside. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. The Board admits that on December 14, 2012 at approximately 9:30 AM, the front doors of Sandy Hook Elementary School in Newtown, Connecticut were locked as was the practice at the school.
16. The Board admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this

paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.

17. Admit.
18. The Board admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
19. Admit.
20. Admit.
21. The Board admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Board denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Board admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.
22. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Board admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
23. The Board admits that staff members called 9-1-1.

24. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school and therefore leaves the Plaintiffs to their proof. The Board admits that Adam Lanza entered Classrooms 8 and 10.
25. The Board admits that the doors to Classrooms 8 and 10 were not locked. The Board denies the balance of the allegations in this paragraph.
26. The Board admits that the doors to Classrooms 8 and 10 could only be locked using a key on the handle facing the hallway. The Board denies the balance of the allegations in this paragraph.
27. Denied.
28. Admit.
29. Admit.
30. Denied.
31. Denied.
32. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
33. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
34. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
35. The Board lacks sufficient information and knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.

SECOND COUNT (THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISRATRIX, NEIL HESLIN AS CO-ADMINISTRATOR against THE TOWN OF NEWTOWN)

1. The Defendant, Town of Newtown (the “Town”), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiffs to their proof.
2. The Town admits that it is a municipality within the State of Connecticut responsible, through its Board of Education, for the education of children from grade school through high school and for their safety while attending school.
3. The Town admits all of this paragraph, except with respect to the last words “through the Town” the Town lacks sufficient knowledge or knowledge to form a belief as to the truth thereof and therefore leaves the Plaintiffs to their proof.
4. The Town admits that Ms. Robinson had overall responsibility for the operation of the Town’s school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
5. Admit.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. The Town admits that the doors to the classroom did not lock from the inside. The balance of this paragraph is denied.

11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admit.
17. The Town admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
18. Admit.
19. The Town admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
20. Admit.
21. Admit.
22. The Town admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Town denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Town admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.

23. The Town admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
24. The Town admits that staff members called 9-1-1.
25. The Town lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Town admits that Adam Lanza entered Classrooms 8 and 10.
26. The Town admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
27. The Town admits that the doors to Classrooms 8 and 10 could only be locked using a key used on the handle facing the hallway. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiffs to their proof.
28. Denied.
29. Admit.
30. Admit
31. Denied.
- 31 [SIC]. Denied.
32. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.

33. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.
34. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.
35. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiffs to their proof.

THIRD COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISRATOR against THE NEWTOWN BOARD OF EDUCATION)

1. The Defendant, Newtown Board of Education (the "Board"), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiff to his proof.
2. The Board admits that it is an elected Municipal Board, constituted and convened for purposes including the implementation and administration of policies, procedures and/or statutory and legal mandates concerning the delivery of public education, supervision and safety of students attending public schools in the Town of Newtown, including Sandy Hook Elementary School. The Board, through its employees, disseminates all policies, procedures and guidelines for the public schools in Newtown.
3. Admit.
4. The Board admits that Ms. Robinson had overall responsibility for the operation of the Town's school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

5. Admit.
6. The Board admits that Gen. Stat. §§ 10-220, 10-220f or 10-221 apply to it. The Board denies that it violated any provisions of Conn. Gen. Stat. §§ 10-220, 10-220f, 10-221 or 52-557n.
7. Denied.
8. Denied.
9. Denied.
10. The Board admits that the door to the classrooms did not lock from the inside. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. The Board admits that on December 14, 2012 at approximately 9:30 AM, the front doors of Sandy Hook Elementary School in Newtown, Connecticut were locked as was the practice at the school.
16. The Board admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
17. Admit.

A-137

18. The Board admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

19. Admit.

20. Admit.

21. The Board admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Board denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Board admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.

22. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Board admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

23. The Board admits that staff members called 9-1-1.

24. The Board lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school and therefore leaves the Plaintiff to his proof. The Board admits that Adam Lanza entered Classrooms 8 and 10.

25. The Board admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
26. The Board admits that the doors to Classrooms 8 and 10 could only be locked using a key on the handle facing the hallway. With respect to the balance of this paragraph, the Board lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
27. Denied.
28. Admit.
29. Admit.
30. Denied.
31. Denied.
32. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
33. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
34. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.
35. The Board lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

FOURTH COUNT (THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR, against THE TOWN OF NEWTOWN)

1. The Defendant, Town of Newtown (the "Town"), lacks sufficient information or knowledge to form a response to this paragraph and therefore leaves the Plaintiff to his proof.

2. The Town admits that it is a municipality within the State of Connecticut responsible, through its Board of Education, for the education of children from grade school through high school and for their safety while attending school.

3. The Town admits all of the paragraph, except with respect to the last words "through the Town" the Town has insufficient knowledge to form a belief as to the truth thereof, and therefore denies same and leaves the Plaintiff to his proof.

4. The Town admits that Ms. Robinson had overall responsibility for the operation of the Town's school system including student safety and that she was the liaison between the various schools and the Board. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

5. Admit.
6. Denied.
7. Denied.
8. Denied.
9. Denied.
10. The Town admits that the doors to the classroom did not lock from the inside. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

A.140

11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admit.
17. The Town admits that to the right side of the locked front doors of the school were windows of the approximate dimension alleged. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
18. Admit.
19. The Town admits that at approximately 9:35 AM, Adam Lanza used a firearm to break the windows located next to the locked school doors, gaining access to Sandy Hook Elementary School. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.
20. Admit.
21. Admit.
22. The Town admits that a staff member was shot in the leg and was able to return to Conference Room 9. The Town denies that this staff member made a call to 9-1-1 or activated the school intercom system. The Town admits that 9-1-1 calls were made by staff members and that a person located in Conference Room 9 activated the school intercom system.

23. The Town admits that staff members were hiding within the main office of the school when Lanza was in the school. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

24. The Town admits that staff members called 9-1-1.

25. The Town lacks sufficient information or knowledge to determine Adam Lanza's exact movements within the school. The Town admits that Adam Lanza entered Classrooms 8 and 10.

26. The Town admits that the doors to Classrooms 8 and 10 were not locked. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

27. The Town admits that the doors to Classrooms 8 and 10 could only be locked using a key used on the handle facing the hallway. With respect to the balance of this paragraph, the Town lacks sufficient information or knowledge to form a response and therefore leaves the Plaintiff to his proof.

28. Denied.

29. Admit.

30. Admit

31. Denied.

31 [SIC]. Denied.

32. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

33. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

34. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

35. The Town lacks sufficient information and knowledge to form a response to this paragraph and leaves the Plaintiff to his proof.

FIRST SPECIAL DEFENSE

The actions of the Defendants and the Defendants' agents complained of by the Plaintiffs were discretionary in nature, and therefore the Defendants are immune from liability under the doctrine of governmental immunity and Conn. Gen. Stat. § 52-557n.

SECOND SPECIAL DEFENSE

The unforeseeable intentional and criminal actions of Adam Lanza were the cause of the damages and injuries claimed by the Plaintiffs and superseded any alleged negligence on the part of the Board of Education or the Town of Newtown, which negligence is expressly denied.

THIRD SPECIAL DEFENSE

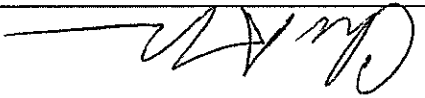
Pursuant to Conn. Gen. Stat. 52-557n(b)(6) the Defendants are not liable for damages to persons resulting from the act or omission of someone other than an employee, officer or agent of the political subdivision.

FOURTH SPECIAL DEFENSE

The Plaintiffs' claims are barred by the applicable statute of limitations, Conn. Gen. Stat.

§ 52-584.

DEFENDANTS,
TOWN OF NEWTOWN AND NEWTOWN
BOARD OF EDUCATION

By: 

Charles A. Deluca, Esq.
Ryan Ryan Deluca LLP
707 Summer Street
Stamford, CT 06901
Juris No. 052525
Phone: 203-357-9200

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2016, a copy of the above was mailed and/or emailed to the following counsel and pro se parties of record:

Donald A. Papcsy, Esq.
Papcsy Stratton Janosov Roche
53 East Avenue
Norwalk, CT 06851
Fax 203-642-3887

*Attorney for Plaintiff Scarlett Lewis, as Administratrix, The Estate of Jesse Lewis,
Leonard Pozner, as Administrator, The Estate of Noah Pozner*

Monte E. Frank, Esq.
David L. Grogins, Esq.
Cohen and Wolf, P.C.
158 Deer Hill Avenue
Danbury, CT 06810
Fax 203-791-8149

Attorney for Defendants, Town of Newtown and Newtown Board of Education



Charles A. Deluca, Esq.

A-146

CLAIM FOR JURY

JD-CJ-53 Rev. 6-12
C.G.S. §§ 52-215, 52-258
Pr. Bk. §§ 14-4, 14-8, 14-10

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov



Court Use Only
CLAIM6

Instructions

1. This claim must be accompanied by the appropriate jury fee (Section 52-258 of the Connecticut General Statutes).
2. When pleadings are closed, a Certificate of Closed Pleadings (JD-CV-11) must also be filed.

To: The Superior Court

Name of case (Full name of Plaintiff v. Full name of Defendant)

LEWIS, SCARLETT, ADMINISTRATRIX OF THE ESTATE OF J E I AI V. THE TOWN OF NEWTOWN ET AI

☒ Judicial District

☐ Housing Session

☐ Geographical Area number

Address of court (Number, street, town and zip code)
146 WHITE STREET DANBURY, CT 06810

This case is claimed for the inventory of jury cases.

(A certificate of closed pleadings must be filed before the case named above can be placed on the inventory of jury cases.)

Claim filed by ("X" one)

☐ Plaintiff's Attorney

☐ Plaintiff

☒ Defendant's Attorney

☐ Defendant

Name of Law Firm, Attorney, or Self-Represented Party

RYAN RYAN DELUCA LLP

Mailing address (Number, street, town, state and zip code)

707 SUMMER STREET STAMFORD, CT 06901

Telephone number
203-357-9200

Certification

I certify that this claim is filed in accordance with section 52-215 of the Connecticut General Statutes and that a copy of this document was mailed or delivered electronically or non-electronically on (date) Oct-14-2016 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Name and address of each party and attorney that copy was mailed or delivered to*

COHEN & WOLF PC - 158 DEER HILL AVENUE/DANBURY, CT 06810
PAPCZY JANOSOV ROCHE - 53 EAST AVENUE/NORWALK, CT 06851

Signed (Signature of filer)

370261

Print or type name of person signing

CHARLES A DELUCA

Date signed

Oct-14-2016

Telephone number
203-357-9200

Mailing address (Number, street, town, state and zip code)

707 SUMMER STREET STAMFORD, CT 06901

*If necessary, attach additional sheet or sheets with name and address which the copy was mailed or delivered to.

A-147

ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUIRED
TRIAL SCHEDULED FOR SEPTEMBER 12, 2017

The Plaintiffs, SCARLETT LEWIS AS ADMINISTRATRIX OF THE ESTATE OF JESSE LEWIS, and LEONARD POSNER AS ADMINISTRATOR OF THE ESTATE OF NOAH POZNER, hereby move to strike the Defendants' Third and Fourth Special Defenses as legally inadequate. The Defendants, in their Third and Fourth Special Defenses, found in their September 14, 2016 Answer and Special Defenses, fail to set forth any factual allegations in their pleadings, either consistent with the Plaintiffs' complaint, or otherwise, and instead merely set forth legal conclusions in each Special Defense. The Plaintiff cannot reply to such a pleading, as no facts have been pled in support of said legal conclusions made by the Defendants. Accordingly, the

MOTION TO STRIKE DEFENDANTS' SPECIAL DEFENSES

DOCKET NO: DBD CV15 6016722 -S
THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and
THE ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR
VS.
THE TOWN OF NEWTOWN, ET AL.
AT STAMFORD
NOVEMBER 1, 2016
SUPERIOR COURT
J.D. OF DANBURY

Plaintiffs move to strike the said legal conclusions as plead by the Defendants in their Third and Fourth Special Defense set forth in their September 14, 2016 Answer and Special Defenses. A Memorandum of Law is attached hereto.

THE PLAINTIFF,

BY s/426709/
Devin W. Janosov, Esq.
Papcsy Janosov Roche
53 East Ave.
Norwalk, CT 06581
(203) 642.3888
Juris No. 428746

A-149

GRANTED/DENIED

The foregoing, having been considered by this court is hereby ORDERED:

ORDER

Clerk/Judge of Superior Court

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, postage prepaid via U.S. mail on the date hereon.

Charles A. Deluca, Esq.
Ryan Ryan Deluca
707 Summer St.
Stamford, CT 06901

Monte Frank, Esq.
Cohen and Wolf, PC
158 Deer Hill Ave.,
Danbury, CT 06810

s/426709/
DEVIN W. JANOSOV, ESQ.

A-151

ORAL ARGUMENT NOT REQUESTED
TESTIMONY NOT REQUIRED
TRIAL SCHEDULED FOR SEPTEMBER 12, 2017

The Plaintiffs, SCARLETT LEWIS AS ADMINISTRATRIX OF THE ESTATE OF JESSE LEWIS, and LEONARD POZNER AS ADMINISTRATOR OF THE ESTATE OF NOAH POZNER, hereby move to strike the Defendants' Third and Fourth Special Defenses as legally inadequate. The Defendants, in their Third and Fourth Special Defenses, found in their September 14, 2016 Answer and Special Defenses, fail to set forth any factual allegations in their pleading, either consistent with the Plaintiffs' complaint, or otherwise, and instead merely set forth legal conclusions. The Plaintiff cannot reply to such a pleading, as no facts have been plead in support of said legal conclusion as plead by the Defendants. Accordingly, the Plaintiffs move to

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' MOTION TO STRIKE
DEFENDANTS' SPECIAL DEFENSES

DOCKET NO: DBD CV15 6016722 -S
THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and
THE ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR
VS.
THE TOWN OF NEWTOWN, ET AL.
AT STAMFORD
NOVEMBER 1, 2016
J.D. OF DANBURY
SUPERIOR COURT

strike the Defendants' Third and Fourth Special Defenses set forth in their September 14, 2016 Answer and Special Defenses. The Defendants merely plead, in their Third Special Defense, "Pursuant to Conn. Gen. Stat. 52-557n(b)(6) the Defendants are not liable for damages to persons resulting from the act or omission of someone other than an employee, officer or agent of the political subdivision." And in the Defendants' Fourth Special Defense the Defendants merely plead "The Plaintiffs claims are barred by the applicable statute of limitations, Conn. Gen. Stat. § 52-584." The Defendants fail to set forth any factual allegations in support of either of these legal conclusions. Furthermore, in regards to the Third Special Defense, the Plaintiffs' complaint does not set forth a claim against anyone other than an "employee, officer, or agent of the political subdivision" and therefore the Defendants' legal conclusion found in their Third Special Defense is inconsistent with the claims set forth in the Plaintiffs' complaint, and should be stricken for that reason, as well as lacking any factual allegations to support its own legal conclusion. In the Fourth Special Defense, the Defendants appear to be claiming that the Plaintiffs' actions are time-barred by the applicable statute of limitations, but again, offer no facts in support of this legal conclusion within their pleading.

Furthermore, the matter of statute of limitations has been addressed by both counsel and this court, as it related to service of the complaint in the matter, and the Plaintiffs have provided the Defendants with a Supplemental Return and "Affidavit of Action Not Lost" from Connecticut State Marshal Nikolas Nikola, pursuant to agreement and court order, to show that the complaint was

This action was instituted by writ summons and complaint bearing a return date of January 27, 2015; and a file date of January 21, 2015. The Defendants had attempted to raise the issue of when the Plaintiff delivered the complaint to the Marshal by attempting to subpoena the Marshal to a deposition concerning the service of the complaint. On September 14, 2015, by agreement, undersigned and defense counsel met with the Honorable Judge Ozall, to discuss the Defendant's concerns. By agreement, the parties decided that the marshal would file an Amended Return and an "Affidavit of Action Not Lost" by September 29, 2016; and the court ordered Plaintiffs to do so. On September 22, 2016 the Plaintiffs filed an Amended Marshal's return, showing the date on which the Plaintiffs delivered the complaint to Marshal, as well as the requisite "Affidavit of Action Not Lost." It was the understanding of the undersigned counsel, who was present for the discussion of

FACTS

Defenses along with their Third Special Defense. Defense is legally inadequate as plead, and therefore must be stricken from their Answer and Special failed to set forth any facts in support of their allegation. Regardless, the Defendants' Fourth Special 2015, or if there is a different allegation regarding the Statute of Limitations, because the Defendants Defendants are attempting to re-raise an issue already dealt with by this court on September 14, legal conclusion contained within their Fourth Special Defense, the Plaintiffs cannot determine if the properly served in a timely fashion; however, since the Defendants plead no facts in support of their

this matter with Attorney Deluca and Judge Ozalis, that providing same would put an end to the issue of service of process in this matter, as that was the agreement reached by the parties, and memorialized in Judge Ozalis' September 14, 2015 order.

However, in the Defendants' recent October 14, 2016 Answer and Special Defenses, as a Fourth Special Defense, the Defendants, yet again, attempt to raise the statute of limitations as a defense to this matter, by simply pleading "The Plaintiffs claims are barred by the applicable statute of limitations, Conn. Gen. Stat. § 52-584." This is not only directly contrary to the agreement reached by counsel over a year earlier on this issue; this is a legally insufficient pleading, as it sets forth no facts upon which one can prove, or rely, to reach the legal conclusion contained within the Defendants' Fourth Special Defense. Accordingly, said Special Defense must be stricken as legally insufficient.

The Defendants' Third Special Defense, equally as devoid of facts as their Fourth Special Defense, also fails to meet the allegations of the Plaintiffs' complaint, as it makes the legal conclusion that the Defendants are not liable for actions of individuals other than an "employee, officer, or agent of the political subdivision," however, the Plaintiff did not allege any cause of action against anyone other than an employee, officer, or agent of the subdivision, and therefore, under the law, the Defendants' Third Special Defense is both legally inadequate as a bald-faced legal conclusion without supporting facts, and as inconsistent with the allegations contained within the Plaintiffs' complaint, and must be stricken for both reasons.

LAW AND ARGUMENT

Aside from the earlier “agreement” reached between counsel regarding this point, and subsequent court order, complied with by the Plaintiffs, the Defendants’ Fourth Special Defense must be stricken as legally insufficient. Because the Defendants merely state “The Plaintiffs claims are barred by the applicable statute of limitations, Conn. Gen. Stat. § 52-584.” Without setting forth any facts upon which to support this legal conclusion, there are no facts to take in the light most favorable to the Defendants, and this special defense must be stricken as insufficient. In *Fleming v. Stop & Shop Co.*, 2001 Conn. Super. LEXIS 2563 (New London, 2001); the court faced practically the exact same set of circumstances as present in the instant case, only with a legal conclusion that the court had no jurisdiction instead of one regarding a statute of limitations defense. In considering the same issue being raised by the Plaintiffs in the instant case, the court in *Fleming* stated the following: “A special defense that is merely a bare legal conclusion labeled as a special defense, where there is no indication as to the basis for the claim of lack of jurisdiction and the defendant has failed to plead any facts in support of its special defense, the court may grant the motion to strike the special defenses. *Omnipoint Communications v. Guilford Planning and Zoning*, 2001 Conn. Super. LEXIS 1100, Judicial District of New Haven at New Haven, Docket No. 444647 (April 23, 2001) (Downey, J). The defendant in the present case has not pleaded any facts or provided any reason for the claim of lack of subject matter jurisdiction beyond a mere legal conclusion. Therefore, because ‘a motion to

strike...does not admit legal conclusions or the truth or accuracy of opinions stated in the pleadings' *Faulkenner v. United Technologies Corp.*, *supra*, 240 Conn. 588, and 'a trial court must take the facts to be those alleged in the [pleadings] and cannot be aided by the assumption of any facts not therein alleged.' *Lizjedahl Brothers, Inc. v. Grigsby*, *supra*, 215 Conn. 348, the plaintiff's motion to strike the second special defense is granted." *Fleming at 5-6*. As in *Fleming*, in the instant case the Defendants failed to set forth *any* facts in their Third and Fourth Special Defenses upon which one could rely, or look to, in order to support the legal conclusion, plead that "[t]he Plaintiffs' claims are barred by the applicable statute of limitations, Conn. Gen. Stat. § 52-584." Accordingly, as there are no facts set forth, the Defendants do not enjoy the assumption that their allegation is true, as set forth in *Faulkenner* and *Lizjedahl Brothers*. The Defendants failed to establish a factual pleading in the Third and Fourth Special Defenses, and as such, the Plaintiffs cannot respond to same, as each contain only legal conclusions, and not allegations, and therefore both need to be stricken from the Defendants' Answer.

As argued above, the same holdings can be applied to the Defendants' Third Special Defense which merely makes the legal conclusion "Pursuant to Conn. Gen. Stat. 52-557n(b)(6) the Defendants are not liable for damages to persons resulting from the act or omission of someone other than an employee, officer, or agent of the political subdivision." Again, this is a legal conclusion, devoid of any facts which the Plaintiffs can affirm or deny regarding its accuracy. Furthermore, it fails to rise to the allegations in the Plaintiffs' complaint, as the Plaintiff has not

A.157

As aforementioned, the issue the defense had raised regarding the service of the complaint was previously dealt with and an order from this court was entered and followed by the Plaintiffs, concerning a Supplemental Return and Affidavit of Action Not Lost from the serving Marshal in the case. Plaintiffs complied with that order, per agreement with defense counsel, over a year ago, and said compliance was agreed to set the issue at rest. Plaintiffs are unable to determine if it is that same concern previously raised by the defense, and dealt with by both the court and the Plaintiffs, which

CONCLUSION

Complaint, and therefore needs to be stricken on both grounds.

to the level necessary as a pleading, and fails to set forth facts consistent with the Plaintiffs' facts consistent with the Plaintiffs' complaint; and due to the lack of factual allegations, fails to rise case, the Defendants' Third Special Defense is a legal conclusion and alleges *no* facts, never mind the plaintiff has no cause of action." *Grant v. Bassman*, 221 Conn. 465, 472-3, (1992). In the instant that are consistent with the allegations of the complaint but which demonstrate, nonetheless, that notwithstanding, that he has no cause of action. The purpose of a special defense is to plead facts special defense alleges facts which are consistent with the Plaintiffs' allegations but which show, inconsistent with the Plaintiffs' complaint, and fail to show that [plaintiff] has no cause of action. "A was held that a Defendants' Special Defenses should be stricken if they allege facts which are *Petrol Plus v. Fred D'Ongio, Inc.*, 1995 Conn. Super. LEXIS 2651 (New Haven, September 1995); it alleged injury by anyone other than an employee, agent, or officer of the political subdivision. In

comprises the basis for the Defendants' Fourth Special Defense, as no facts are set forth in support of same Special Defense; and as such all Plaintiffs can do is move to have said Special Defense stricken as plead, for lacking facts within which the Defendants can attempt to prove to a jury; or which Plaintiffs can admit or deny; and if it is based on the issue regarding "when" the Plaintiffs handed the complaint to the marshal; that issue has been dealt with by agreement and order of this court on September 22, 2015 with the filing of a Supplemental Return and Affidavit of Action Not Lost. As such, the Plaintiffs respectfully request that the Fourth Special Defense be stricken on the grounds that it does not contain any actual factual allegations upon which the Plaintiffs can formulate a response; and said Special Defense is, in fact, premised upon the same set of circumstances already dealt with by agreement of the parties and by order of this court on September 14, 2015; finalized with the Plaintiffs' filing of the Supplemental Marshal's return and Affidavit of Action Not Lost, on September 22, and within the time frame set by the court and agreed to by both counsel. The Plaintiff would ask that said special defense be stricken for setting forth untrue allegations, as Plaintiff has already satisfied the defense's request on this matter, as well as the court's orders concerning same, and proven the date upon which the Marshal received the complaint from counsel. As such, the Defendants' Fourth Special Defense should be stricken. In the same vein, the Defendants' Third Special Defense also fails to set forth any facts which the Plaintiffs can either confirm or deny, and also fails to raise facts consistent with the Plaintiffs' complaint, and show how those facts are likely to demonstrate that the Plaintiffs have no

cause of action, despite the facts alleged within said complaint. As such, the Defendants' Third Special Defense must be stricken as both a legal conclusion, without factual support, as well as for failing to set forth facts consistent with the Plaintiffs' complaint and showing how those facts, as set forth by the defense, notwithstanding the facts alleged by the Plaintiffs, make the Plaintiffs cause of action untenable; as is the requirement of a "Special Defense." As the Defendants have failed to plead any facts in the Third Special Defense, and further failed to plead facts consistent with the Plaintiffs' complaint, the Defendants' Third Special Defense must also be stricken.

THE PLAINTIFF,

BY s/426709/
 Devin W. Janosov, Esq.
 Papcsy Janosov Roche
 53 East Ave.
 Norwalk, CT 06581
 (203) 642.3888
 Juits No. 428746

A-160

14

Charles A. Deluca, Esq.
Ryan Ryan Deluca
707 Summer St.
Stamford, CT 06901
Monte Frank, Esq.
Cohen and Wolf, PC
158 Deer Hill Ave.,
Danbury, CT 06810

DEVIN W. JANOSOV, ESQ.
s/426709/

CERTIFICATION

This is to certify that a copy of the foregoing has been mailed, postage prepaid via U.S. mail on the date hereon.

Pursuant to Connecticut Practice Book § 17-44, et seq. the defendants, Town of Newtown and Newtown Board of Education, respectfully move for summary judgment as to the entirety of the claims against them by the plaintiffs. More particularly, the defendants move for summary judgment on the basis that there is no genuine issue of fact regarding the defendants' alleged negligence, that the defendants are entitled to governmental immunity pursuant to Conn. Gen. Stat. § 52-557n(a)(2)(B) through their discretionary functions prior to and at the time of Lanza's attack, that Lanza's intervening criminal actions destroy any claims as to the defendants' proximate cause, that the municipal defendants are immune from liability of others, such as Lanza, by Conn. Gen. Stat. § 52-557n(b)(6), and that the plaintiffs have failed to produce the requisite expert testimony to support their claims. Accordingly, the defendants are entitled to judgment as a matter of law. A memorandum of law in support of this motion is attached hereto and filed herewith.

MOTION FOR SUMMARY JUDGMENT

D.N. DBD-CV15-6016722-S	THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS CO-ADMINISTRATOR AND THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR	V.	THE TOWN OF NEWTOWN AND NEWTOWN BOARD OF EDUCATION
SUPERIOR COURT	J.D. OF DANBURY	AT DANBURY	JUNE 30, 2017

A-162

2

By: _____/s/

Charles A. Deluca, Esq.
John W. Cannavino, Jr., Esq.
Thomas S. Lambert, Esq.
Ryan Ryan Deluca LLP
707 Summer Street
Stamford, CT 06901
Juris No. 052525
Phone: 203-357-9200

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2017, a copy of the above was mailed and/or e-mailed to

the following counsel and pro se parties of record:

Donald A. Papcsy, Esq.
Papcsy Janosov Roche Trial Lawyers
53 East Avenue
Norwalk, CT 06851

*Attorney for Plaintiff Scarlett Lewis, as Administratrix, The Estate of Jesse Lewis,
Leonard Pozner, as Administrator, The Estate of Noah Pozner*

Monte E. Frank, Esq.
David L. Grogins, Esq.
Cohen and Wolf, P.C.
158 Deer Hill Avenue
Danbury, CT 06810

Attorney for Defendants, Town of Newtown and Newtown Board of Education

/s/
Charles A. Deluca, Esq.

S:\Ryan\ST10408\LT\DOC\S\paulh.rtf
415,158

A-164

Many of the horrific acts of violence underlying this lawsuit are well-known to this Court, the country, and international community. So, too, are many of the stories of heroic sacrifice, in the face of unimaginable evil, from those teachers, staff, and administrators who

I. FACTUAL AND PROCEDURAL BACKGROUND:

Pursuant to Connecticut Practice Book § 17-44, et seq., the defendants, Town of Newtown and Newtown Board of Education, respectfully submit this memorandum of law in support of their motion for summary judgment. The defendants move on the basis that there is no genuine issue of fact regarding the defendants' alleged negligence, that the defendants are entitled to governmental immunity through their discretionary functions, that Adam Lanza's intervening criminal actions destroy any claims of the defendants' proximate cause, that the municipal defendants are immune from liability of others by statute, and that the plaintiffs have failed to produce the requisite expert testimony to support their claims. Accordingly, the defendants are entitled to judgment as a matter of law.

MEMORANDUM OF LAW
IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

D.N. DBD-CV15-6016722-S	THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS CO-ADMINISTRATOR AND THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR	V.	THE TOWN OF NEWTOWN AND NEWTOWN BOARD OF EDUCATION
SUPERIOR COURT	J.D. OF DANBURY		JUNE 30, 2017
	AT DANBURY		

gave their lives to protect the children at the Sandy Hook Elementary School. These accounts of bravery and loss have had a long lasting and far reaching impact on our communities and how we have come to understand the truly extraordinary circumstances of December 14, 2012. While the ripple effects from the shocking acts of violence perpetrated by Adam Lanza against children, including the plaintiffs' decedents, and the defendants' teachers, staff, and administrators have been public record and discussed, scrutinized, and analyzed by many for years, for the sake of establishing the record for the present motion, the following abridged factual pattern is noted:

1. Development of School Safety Guidelines

In 2008, the defendants hired Mark Pompano as Direct of Security for the Newtown School System. See Affidavit of Mark Pompano, attached hereto as "Exhibit A," ¶3. Pompano was responsible for developing and coordinating a system-wide safe schools initiative, encompassing a multi-disciplinary approach to school safety and security, emergency management, and the development of appropriate policies and procedures for the district. Pompano Aff., ¶4. In that role, he authored Emergency Response Guidelines for the district which contained Lockdown Guidelines and Code Blue Guidelines. Pompano Aff., ¶5. A copy of those guidelines are attached as an exhibit to his affidavit, and included herein for ease of reference as "Exhibit B." The guidelines were approved by Janet Robinson, the defendants' District Superintendent. Pompano Aff., ¶7. Both the Lockdown Guidelines and Code Blue were in place in 2012 at the Sandy Hook School and were provided to give guidance to teachers when faced with potentially dangerous situations. Pompano Aff., ¶8, 21. District staff were to use their best judgment in deciding which steps would be appropriate to engage in under the circumstances. Pompano Aff., ¶21. Neither the Lockdown Guidelines nor the Code Blue

Guidelines were ever intended or understood to direct staff to perform all listed tasks, in a particular order, in every emergency situation without the use of their own discretion. Pompano Aff., ¶22.

The Lockdown Guidelines and Code Blue Guidelines were provided to school staff at the beginning of the school year and they were discussed with regular staff in a faculty meeting at the beginning of the school year. Pompano Aff., ¶24; see also Affidavit of Kris Fedá, attached hereto as "Exhibit C," ¶7, 10; Affidavit of Natalie Hammond, attached hereto as "Exhibit D," ¶11. A copy of the guidelines was also kept in a black binder in the principal's office. Pompano Aff., ¶25. The defendants also engaged in yearly lockdown drills to train the teachers and staff about the guidelines. Pompano Aff., ¶26; Fedá Aff., ¶7, 10; Hammond Aff., ¶8, 11. For example, there was a drill performed at Sandy Hook School in March 2012. Pompano Aff., ¶26. A key to each classroom door at Sandy Hook School was provided to each teacher. Pompano Aff., ¶29. Substitute teachers had access to the keys to the classrooms where they were substituting via Substitute Folder and/or located in the classroom itself. Pompano Aff., ¶30.

Kris Fedá, a teacher at the school for 24 years prior to the violence of December 14, 2012, was a member of the Sandy Hook School Crisis Team. Fedá Aff., ¶4, 5. The Lead Teacher, Natalie Hammond, was also a member of the Crisis Team. Hammond Aff., ¶4, 6. The other members of the Crisis Team were the Principal, Head Custodian, Nurse, School Psychologist, the Reading Specialist, the Math Specialist, and the Secretary. Fedá Aff., ¶6. At the start of the school year, the team met and reviewed what the various drills (fire, lockdown, evacuation) were and how they would be performed. Fedá Aff., ¶7; Hammond Aff., ¶8. The team went over the guidelines for each drill and the codes used to indicate that a drill was to be enacted. Fedá Aff., ¶8; Hammond Aff., ¶9.

Once inside a securable location, staff shall complete one or more of the following tasks:

as to how staff should act once a lockdown has been initiated:

See Exhibit B. Once a lockdown is initiated, the Guidelines go on to give the following direction

Generally, this order will be announced over the school's public address system. This order will be given in the following manner; "May I have your attention please." School is now in a lockdown." However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth.

Sandy Hook Elementary School is now in a lockdown." As the guidelines plainly state:

the school's public address system in the following manner: "May I have your attention please.

lockdown order is to be given. See Exhibit B. This announcement would need to be made over

general emergency situation existed. The Lockdown Guidelines provide that, to be initiated, a

the Code Blue Guidelines. The Lockdown Guideline would be initiated in the event that a

The guidelines are broken down into two component parts, the Lockdown Guidelines and

2. The Guidelines

plan in a plastic folder and a key to the classroom door. Fedá Aff., ¶14; Hammond Aff., ¶15.

Hammond Aff., ¶12. Each classroom at Sandy Hook School had the red Emergency Response

what the staff thought was right under the circumstances in an emergency. Fedá Aff., ¶11;

and she trained the staff on the guidelines and instructed them to use common sense and to do

¶4-6. The Principal, Dawn Hochsprung, led the training at the beginning of the 2012 school year

who started that school year. Affidavit of Kathryn Cunningham, attached hereto as "Exhibit E,"

¶11,14. Present at this meeting was also Kathryn Cunningham, a teaching intern at the school

building substitutes at the first faculty meeting of the year. Fedá Aff., ¶10,13; Hammond Aff.,

B; Fedá Aff., ¶9; Hammond Aff., ¶10. The guidelines were communicated to the teachers and

communicated in order to initiate the implementation of the lockdown or Code Blue. See Exhibit

The Lockdown Guidelines and Code Blue Guidelines contained a code to be

As the plaintiffs' complaint alleges, on December 14, 2012, at approximately 9:30 AM, Adam Lanza entered Sandy Hook Elementary School determined, for reasons beyond comprehension, to take the lives of innocent children and adults. At that date and time, the front doors of the school were locked for the beginning of the school day. Plaintiffs' Third Revised

3. Events of December 14, 2012

as defined in the guidelines. Pompano Aff., ¶15.

teachers and staff were to, in their discretion, gather students in a classroom or securable room, Code Blue notification. Pompano Aff., ¶14. Upon notification of a lockdown or Code Blue, lockdown or Code Blue, or otherwise direct another staff member to initiate the lockdown or word "should" is indicated throughout. It was anticipated that the principal would be one to call a complete one or more of the tasks, in a Code Blue, the "shall" is removed and the use of the and administrators. However, whereas the lockdown guidelines indicate that staff "shall" In a Code Blue, the same nine recommendations are made to the school teachers, staff, Blue was the proper guideline to apply when an imminent emergency situation existed.

currently inside the school building. Moreover, as indicated in page 2 of the guidelines, a Code announcement that contained the term "CODE BLUE," which signifies that the threat is As indicated in page 1 of the guidelines, a Code Blue would be initiated by an

(Emphasis added). *Id.*

1. Close and lock the door.
2. Turn off all interior lights, including computers.
3. Cease all teaching activities for the duration of the lockdown.
4. Position students/occupants, and self away from "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if applicable).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear").

Complaint ("Plaintiffs' Complaint"), Count One, ¶15. Indeed, each morning, the front entrance doors to the school were locked. Pompano Aff., ¶32. The school also had in place a buzzer-camera entry system at its front entrance in 2012. Pompano Aff., ¶31. The plaintiff's decedent, Jesse Lewis, was located within the school building in classroom 10, his first grade classroom for the school hours of the day. Plaintiffs' complaint, Count One, ¶17. The other plaintiff's decedent, Noah Pozner, was located in classroom 8, his first grade classroom. Plaintiffs' complaint, Count Three, ¶17.

At approximately 9:35 A.M., Adam Lanza shot out the window located next to the locked school doors with rifle, and gained access to the elementary school. Plaintiffs' complaint, Count One, ¶18, 19. Clothed with a hat and sunglasses, Lanza then shot and killed the principal, Hochsprung, and the psychologist, Mary Sherlach who had exited Room #9 at the sound of gunfire. Plaintiffs' complaint, Count One, ¶20; Hammond Aff., ¶22. Hammond, standing behind Hochsprung and Sherlach, was shot in the leg, but remained prone on the ground for a moment before crawling back into conference room #9. Plaintiffs' complaint, Count One, ¶21; Hammond Aff., ¶22-24.

At that time, Feda was also in room #9. Feda Aff., 16,18,21. After returning to room #9, Hammond tried to hold the door closed as long as she could physically do so, having been shot. Hammond Aff., ¶24. A staff member made a call to 9-1-1 and also turned on the school intercom system through the phone located in room #9. Plaintiffs' complaint, Count One, ¶21. At no point during the incident was a code called over the loudspeaker for the school to go into lockdown as Hochsprung was shot dead. Feda Aff., ¶23; Hammond Aff., ¶22,27; Plaintiffs' complaint, Count One, ¶20.

Lanza then entered and exited the main office to the school, where some staff members were hiding. Plaintiffs' complaint, Count One, ¶22. After Lanza exited the school office, the office immediately made a call to 9-1-1. Plaintiffs' complaint, Count One, ¶23. Lanza then entered Classrooms #8 and #10, killing twenty students, including Jesse Lewis and Noah Pozner, and four adults, including teachers Victoria Soto and Lauren Rousseau, a substitute teacher, before taking his own life outside Classroom #10. Plaintiffs' complaint, Count One, ¶24, 28-29, Count Three, ¶29.

A diagram of the school's layout as of 2012 is included as an exhibit in the Pompano and attached herein for ease of reference as "Exhibit G." In that diagram, Pompano placed an "X" at the front entrance, where, as seen, Lanza entered the school. Pompano Aff., ¶17. Pompano also highlighted in yellow, rooms #8, #9, and #10. Pompano Aff., ¶18. Rooms #8 and #10 were the first grade classes where Lanza entered and shot students and staff. Pompano Aff., ¶19. Room #9 was where the planning and placement team meeting was taking place prior to when Lanza entered the building. Pompano Aff., ¶20.

At the time of the incident, Cunningham was filling in as a substitute teacher for a kindergarten class in Classroom #1. Cunningham Aff., ¶9. Also with her in the classroom was Deborah Pisani, a paraprofessional, and Kim Weiss, a behavioral therapist. Cunningham Aff., ¶10. Cunningham was provided a planbook, which consisted of teaching plans for the day, as well as the subfolder and a key. Cunningham Aff., ¶11. According to Cunningham, around 9:30 the children were supposed to transition to their tables to begin working when she heard noises, specifically banging sounds like someone kicking a door. Cunningham Aff., ¶12. Pisani went to check on the sound, and immediately while in the hallway was shot in the foot. Cunningham Aff., ¶13. Cunningham then gathered the children into the corner of the classroom. Cunningham

The administrators of the estates of Lewis and Pozner brought a wrongful death lawsuit against Sandy Hook Elementary School, the Sandy Hook Board of Education, and the Town of Newtown on January 21, 2015 based on the events surrounding Lanza's acts of unprecedented

4. The lawsuit

of the last gun shot, less than five minutes had elapsed. Thorne Aff., ¶15.

9:40 AM. Thorne Aff., ¶14. From the time of his initial phone call to 9-1-1 dispatch to the time While on the phone with the 9-1-1 dispatcher, the final gunshots that he heard took place the hallway with the shooter. Thorne Aff., ¶12.

lobby, to get to a place of safety. Thorne Aff., ¶11. The hallway Abbie Clemons was in was not advised a teacher, Abbie Clemons, who was walking with a student down the hallway toward the on the line with the dispatcher until the police arrived. Thorne Aff., ¶10. During the shooting, he went back down the hall while still on the phone with 9-1-1. Thorne Aff., ¶9. In fact, he stayed fired at the school. Thorne Aff., ¶8. The dispatcher asked how many shooters there were, so he glass in front of him. Thorne Aff., ¶7. He described to the 9-1-1 dispatcher that shots were being 9:35:39 AM. Thorne Aff., ¶4. When he got to the corner of the lobby, he saw bullet holes in front lobby, taking his school cell phone out to call 9-1-1 simultaneously, which connected at front of the school sounding like a ton of glass hitting the floor. Thorne Aff., ¶5. He then ran to ¶3. At roughly 9:35 AM, he was in the custodian office when he heard a noise coming from the incident of December 14, 2012. Affidavit of Richard Thorne Jr., attached hereto as "Exhibit F," Richard Thorne, Jr. was a custodian at Sandy Hook Elementary School at the time of the ¶16.

¶14. There was not enough time to go lock the door once the shooting started. Cunningham Aff., ¶15. Pisani returned shortly thereafter, having just been shot in the foot. Cunningham Aff.,

violence against children and educators. The operative pleading is now the plaintiffs' Third Revised Complaint (Docket no. 151.00). The plaintiffs allege that the defendants' school safety guidelines were never implemented and that the defendants are liable in that the defendants:

1. failed to provide the school with doors that could be locked from the inside;
2. failed to train and supervise the staff at school on the proper way to implement "lock down" and evacuation procedures for situations like the one that presented itself on December 14, 2012;

3. failed to provide certain teachers with keys to the classrooms or training or information concerning the "lock down procedure";
4. failed to provide a security guard, or any other type of law enforcement personnel to assist in the implementation of policies and procedures should an intruder enter the building, while leaving a large enough non-safety glass window directly to the right of the locked outer doors of the school;
5. left the school exterior unprotected from intruders by leaving a three (3) foot wide by four (4) foot high non-security glass window located directly to the right of the locked exterior doors of the school;

6. failed to follow their own guidelines regarding school safety in accordance with Connecticut General Statutes §§ 10-220, 10-220f and 10-221 by failing to provide adequate equipment and training to the staff and personnel of school on how to successfully implement the "lock down" and evacuation security plan;

7. left the teachers and staff with no discretion in implementing policies and procedures for a "lock-down" and evacuation if an intruder entered the school, but failed to provide the same individuals with the proper equipment, building security, and training;

8. failed to implement security guidelines because the defendants failed to provide adequate equipment and resources to do so; and

9. through the defendants' employee, the substitute teacher, failed to act to lock the door, because the substitute was not provided with a key, or otherwise followed the "lock-down" and evacuation procedure, of which the substitute teacher had no knowledge, training or experience because the defendants failed to provide adequate equipment and resources to do so.

Plaintiffs' complaint, Count One, ¶30. The plaintiffs' discovery responses indicate that they are no longer "claiming that the classrooms should have been evacuated so this duty is not at issue in

the case.” See Plaintiff’s Interrogatory Responses, dated November 2, 2015, attached hereto as “Exhibit H.” The plaintiffs could not specifically identify the individuals responsible for these alleged failures. *Id.*

However, in their discovery responses, the plaintiffs further distilled their causes of action against the defendants. According to the plaintiffs, the defendants had a duty to 1) provide best practice glass and barriers at school entrance ways to prevent outside threats; 2) provide teachers and staff with means “to close safely lock [sic] classrooms” when a threat exists; 3) provide the locks and equipment “within the physical plan” that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms. See Exhibit H. The Plaintiffs claim that the defendants allegedly breached their duty in that the doors to both first grade classrooms could not be secured from the inside; that the teachers in one of the classrooms was not provided a key to the door, and not trained in lockdown or how to lock the door; and that the teachers in the other classroom did not have a key because it was kept in the main office. *Id.* The plaintiffs added that the teachers and administrators were required to “lockdown and secure their classrooms during a perceived or actual threat; that the entrances be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired.” *Id.*

5. The defenses

In response, the defendants have denied all allegations of negligence. Moreover, the defendants have alleged numerous special defenses. Specifically, the defendants allege that the

actions of the defendants and the defendants' agents complained of by the plaintiffs were discretionary in nature, and therefore the defendants are immune from liability under the doctrine of governmental immunity and Conn. Stat. § 52-557n. See Defendant's Answer, First Special Defense (Docket No. 152.00). Additionally, the defendants alleged that it was the unforeseeable intentional and criminal actions of Adam Lanza that were the cause of the damages and injuries claimed by the plaintiffs and that Lanza's conduct superseded any alleged negligence on the part of the Board of Education or the Town of Newtown. Defendant's Answer, Second Special Defense. Finally, the defendants alleged that, pursuant to Conn. Gen. Stat. 52-557n(b)(6), the defendants are not liable for damages to persons resulting from the act or omission of someone other than an employee, officer or agent of the political subdivision.

II. LAW:

I. Standard

"Practice Book §17-49 provides that summary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. In deciding a motion for summary judgment, the trial court must view the evidence in the light most favorable to the nonmoving party." Provencher v. Enfield, 284 Conn. 772, 790-91, 936 A.2d 625 (2007) (internal quotation marks omitted). "A genuine issue has been variously described as a triable, substantial or real issue of fact . . . and has been defined as one which can be maintained by substantial evidence." United Oil Co. v. Urban Redevelopment Commission, 158 Conn. 364, 378, 260 A.2d 596 (1969) (citation omitted) (internal quotation marks omitted).

"Although the party seeking summary judgment has the burden of showing the nonexistence of any material fact . . . a party opposing summary judgment must substantiate its

adverse claim by showing that there is a genuine issue of material fact together with the evidence disclosing the existence of such an issue. It is not enough . . . for the opposing party merely to assert the existence of such a disputed issue.” Maftucci v. Royal Park Ltd. Partnership, 243 Conn. 552, 554-55, 707 A.2d 15 (1998). “[A] plaintiff may properly be called upon at the summary judgment stage to demonstrate that he possesses sufficient counterevidence to raise a genuine issue of material fact as to any, or even all, of the essential elements of his cause of action.” Stuart v. Freiberg, 316 Conn. 809, 822-23 (2015).

2. There is no evidence that the defendants were negligent in any way in connection with Lanza's attack

Based on all available, competent evidence regarding this incident, which has been thoroughly and exhaustively investigated by government agencies, the media, and private entities alike, the plaintiffs cannot produce the requisite support for their claims that the defendants were negligent with respect to Lanza's attack on the plaintiffs' decedents. To do so, it is axiomatic that the plaintiffs must prove “[t]he elements of a cause of action for negligence... duty, breach, causation and damages.” Coste v. Riverside Motors, Inc., 24 Conn. App. 109, 112, 585 A.2d 1263 (1991).

Thus, the plaintiffs must articulate the duty the defendants owed to the plaintiffs' decedents, how the underlying factual predicate of the defendants' conduct resulted in a breach of the defendants' duty, and how that breach was the proximate cause of the plaintiffs' decedents' deaths. The requirement of a showing for each of these elements cannot be overlooked or taken for granted, especially since the plaintiffs in the present case have not, and cannot, present any competent evidence that meets all these elements.

The plaintiffs have made various allegations of negligence against the defendants stemming from Lanza's attack. These claims can best be understood as allegations of conduct

that occurred prior to Lanza's attack, which precipitated the defendants' ability to implement the guidelines. Specifically, the allegations appear to boil down to the following: 1) failure to provide the school with doors that could be locked from the inside; 2) failed to train and supervise the staff at school on the proper way to implement "lock down" and evacuation; 3) failure to provide certain teachers with keys to the classrooms; 4) failure to provide a security guard, or any other type of law enforcement personnel; 5) failure to protect from intruders by leaving a non-security glass window to the right of the locked outer doors of the school; and 6) failure to provide adequate equipment and training to the staff and personnel of school. None of these allegations of negligence allege negligence by the defendants' teachers, staff, and administrators during the attack itself. Rather, these claims all implicate alleged conduct of the defendants prior to the attack, i.e. that the defendants did not provide enough security, training, or equipment to its teachers, staff, and administrators.

Though they made these claims in their complaint, at no time have the plaintiffs articulated how the defendants were bound by a duty to provide a security officer at the elementary school, bulletproof glass at the entrance of the elementary school, or doors that lock in a particular way. Nor can the plaintiffs provide evidence that the defendants failed to provide the teachers with a key to lock their classrooms. The plaintiffs cannot provide any evidence that the defendants failed to train or supervise its staff in implementing the lockdown or Code Blue guidelines. In fact, the only competent evidence that can be presented is that the staff were trained. As attested to by the staff members' affidavits appended to this motion, the staff, including substitutes, had keys to the classroom doors, and all staff were trained and instructed in the emergency guidelines regarding a lockdown or Code Blue.

The defendants cannot imagine that the plaintiffs would claim that the conduct of the defendants' teachers, staff, and administrators would have been negligent during the shocking set of events on December 14, 2012. Indeed, the plaintiffs have not and cannot produce any evidence that the teachers, such as Soto and Rousseau, who gave their lives to protect the students in their classrooms breached a duty through their conduct at the time of the attack. First, as the classroom doors locked from the outside, Soto and Rousseau would have had to have gone out into the hallway to lock them. As seen in the affidavits from Feda, Hammond, and Cunningham, each and every teacher, staff, or administrator who went out into the hallway where Lanza was located was shot.

Further, as noted in Thorne's affidavit, the entire sequence of events, from the first gun shots to the last, occurred in less than a five minute stretch, inclusive of the time in which Lanza attacked the students and teachers in Classrooms #8 and #10. There can be no question that the time in which Soto and Rousseau had to perceive the attack, understand what was occurring, and react, would have been severely limited in any context. Because the plaintiffs cannot establish through any evidence what Soto and Rousseau knew, when they knew it, how they reacted upon this information, and what opportunity they had to secure the classroom, if any, the plaintiffs cannot prove how Soto and Rousseau's conduct was negligent in Classrooms #8 and #10 prior to their murder by Adam Lanza.

Finally, the plaintiffs cannot produce any evidence on the subject of the defendants' teachers' efforts to follow the guidelines. The plaintiffs cannot show that the necessary announcement was made to initiate the lockdown or Code Blue that would inform the teachers or staff to attempt to implement these guidelines as best as they could in the circumstances. As stated in the Feda and Cunningham affidavits, a lockdown or Code Blue was never called due to

the sudden and violent nature of the event. Indeed, the plaintiffs cannot produce any evidence to prove which of the guidelines were or were not implemented.

Simply put, to prove the defendants' negligence, whether it be for conduct that occurred prior to Lanza's attack or with respect to what transpired after the attack began, the plaintiffs must produce evidence. Due to Lanza's monstrous and murderous actions, the plaintiffs cannot prove what Soto and Rousseau did or could have done inside Classrooms #8 and #10. Nor can the plaintiffs prove that Soto and Rousseau failed to undertake some duty through a lack of training, equipment, or otherwise. Simply alleging that the defendants' teachers, administrators, or staff failed to act a specific way prior to or in the middle of such a shocking tragedy, when six of them gave their lives to protect the children of the school, is not enough to create a genuine issue of material fact. The plaintiffs must produce actual evidence, which they cannot, to support their allegations.

3. The defendants' employees' discretionary actions invoke the statutory defense of governmental immunity pursuant to Conn. Gen. Stat. § 52-557n (a)(2)(B).

Even if this Court were to find that the plaintiffs' claims, in and of themselves, create a issue of fact as to the defendants' purported negligence, either prior to or at the time of Lanza's attack, which the defendants vigorously deny, the defendants nonetheless are immune from the plaintiffs' claims. It is well settled that government entities are immune from liability pursuant to Conn. Gen. Stat. § 52-557n (a)(2)(B) for discretionary acts. Conn. Gen. Stat. § 52-557n (a)(2)(B) provides, in relevant part, that "a political subdivision of the state shall not be liable for damages to person or property caused by... negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by

law.” *Id.* Thus, the controlling question for the application of governmental immunity is whether the defendants’ conduct prior to and at the time of Lanza’s attack was discretionary.

a. Ministerial v. Discretionary acts

As a matter of law, the defendants’ alleged conduct in the present case, whether it be before or during Lanza’s attack, was discretionary in nature. “The doctrine of governmental immunity has provided some exceptions to the general rule of tort liability for municipal employees. [A] municipal employee . . . has a qualified immunity in the performance of a governmental duty, but he may be liable if he misperforms a ministerial act, as opposed to a discretionary act.” (Internal quotation marks omitted.) *Purzycki v. Fairfield*, 244 Conn. 101, 107, 708 A.2d 937 (1998). “The hallmark of a discretionary act is that it requires the exercise of judgment In contrast, [m]inisterial refers to a duty which is to be performed in a prescribed manner without the exercise of judgment or discretion.” (Internal quotation marks omitted.) *Smart v. Corbett*, 126 Conn.App. 788, 800, 14 A.3d 368, cert. denied, 301 Conn. 907, 19 A.3d 177 (2011). “[T]he ultimate determination of whether qualified immunity applies is ordinarily a question of law for the court. . . .” *Purzycki*, 244 Conn. at 107-08.

“To properly allege the existence of a ministerial duty, a plaintiff must allege that the defendant was required to perform in a prescribed manner and failed to do so.” *Lang v. New London*, Superior Court, judicial district of New London, Docket No. CV 09 5011549, 2011 Conn. Super. LEXIS 1065 (April 21, 2011) (Martin, J.), citing to *Colon v. Board of Education*, 60 Conn. App. 178, 182, 758 A.2d 900, cert. denied, 255 Conn. 908, 763 A.2d 1034 (2000). To find that a duty to act was ministerial in nature, and not discretionary, is a high bar. See *Bridgeport Harbor Place, L. LLC v. Ganim*, Superior Court, complex litigation docket at Waterbury, Docket No. X06 CV 04 0184523, 2007 Conn. Super. LEXIS 2639 (October 5, 2007)

(Stevens, J.) citing to 2A E. McQuillin, The Law of Municipal Corporations (3rd Ed. Rev. 2006) § 10.52, p. 531 ([o]fficial action . . . is ministerial when it is absolute, certain, and imperative, involving merely the execution of a set task, and when the law that imposes it prescribes and defines the time, manner, and occasion of the performance with such certainty that nothing remains for judgment or discretion).

Indeed, even if a duty to act is ministerial in nature, the manner in which each municipal director, employee, agent, or department performs those duties can be held to be discretionary.

For example, in Ugria v. Town of Cheshire, 307 Conn. 364, 398-399, (2012), the plaintiffs claimed that s letter by town counsel, Knott, describing the danger posed by mines, operated as a directive giving rise to a ministerial duty to inform property owners and the public of the

information in the mine report. The court disagreed, noting that the letter never actually directed any municipal employees or agents to act in a specific way. Instead, the court found that:

[A]lthough Knott's letter could have formed the basis for a ministerial act, the letter contained no directive of the type required to support a finding that the town had a duty to notify the public or the plaintiffs of the information in the report... None of [the comments in the letter] constitutes a directive to the town giving rise to a ministerial duty because they all contain the qualifying words "should" or "could," which indicate that the town had discretion to exercise its judgment in deciding whether to follow Knott's advice... Accordingly, we conclude that, to the extent the town may have had a duty to inform the plaintiffs and the public regarding the information in the mine reports, the duty was discretionary.

Id. Where the alleged policy or procedure does not unambiguously require a specific response or result, it does not alter the discretionary nature of the task. Broussseau v. Town of Farmington, Superior Court, Judicial District of Hartford, Docket No. HHD CV116017493S, 2013 Conn. Super. LEXIS 443, 9, (Feb. 25, 2013) (Sheridan, J.); see also Segreto v. Bristol, 71 Conn.App. 844, 857-58 (2002) (where city employees not ordered to maintain premises in any particular manner, duty to maintain remained discretionary).

When evaluating the plaintiffs' claims in the present case, that the defendants were under a ministerial duty to act in a particular way to prevent an especially tragic set of circumstances from occurring, perhaps the best guidance comes from Coley v. City of Hartford, 312 Conn. 150, 170, 95 A.3d 480 (2014). There, like in the present case, the plaintiff's decedent was murdered, in that instance while at a carnival. The plaintiff executrix of the decedent's estate brought a suit against municipal defendants for negligently allowing the carnival to be held without adequate security. While the Court in Coley empathized with the plaintiff, the Court nonetheless found that the heartbreaking nature of the set of events did not provide any less immunity for discretionary acts of the municipal defendants. As the court noted:

[t]he facts in the present case are undeniably tragic, and, understandably, the parties are left questioning whether anything more could have been done to prevent the realities that unfolded. It is, however, precisely because it can always be alleged, in hindsight, that a public official's actions were deficient that we afford limited governmental liability for acts that necessarily entailed the exercise of discretion. Id.

In the instant case, the plaintiffs' claims appear directed to the defendants' discretionary actions before the attack ever took place. This includes the decision of whether or not to provide bullet-proof glass at the building entrance, whether or not to retain a security guard at the building entrance, how to train or supervise staff to prepare for a potential a emergency situation, whether or not to have doors that lock in a particular way in the classrooms, or where to store keys to the locks on the doors of those classrooms. The plaintiffs' complaint itself is silent as to whether these pre-attack actions or decisions, or lack thereof, were ministerial as opposed to discretionary. Nor could the plaintiffs attempt to make such claims. Even if you accept the plaintiffs' allegations as true on their face, despite being based on mere conjecture or speculation, each of these actions or decisions necessarily implicates the defendants' use of discretion. Whether or not to provide a security officer is a judgment call on the part of the

defendants. Where to store a key to a classroom is a matter of discretion. The same is true for installing bullet-proof glass or any other measures to alter the building's physical features such as the locks on the classroom doors. Moreover, as argued later, training and supervision of staff is in inherently a discretionary function. The plaintiffs cannot point to or provide any basis, through a statute, directive, rule, or otherwise, to prove that any of these functions were ministerial in nature without any use of discretion in their implementation. Accordingly, the plaintiffs' allegations of the defendants' negligence prior to Lanza's attack are, as a matter of law, all discretionary functions.

On the other hand, the only allegations that the plaintiffs appear to make in their complaint as to the defendants' purported ministerial duties occur in their characterization of the defendants' conduct during Lanza's attack in implementing the "the 'lock-down' and evacuation plan". See Plaintiffs' Complaint, Count One, ¶ 10, 12, 14, 30g. Thus, even though the plaintiffs' claims for negligence only involve the defendants' pre-attack conduct, which in and of itself is naturally discretionary, the plaintiffs nonetheless attempt to bootstrap their claims of a ministerial duty to act by trying to tie in Soto and Rousseau's conduct in Classrooms #8 and #10 during the attack itself. Again, the defendants cannot imagine that the plaintiffs would seriously be arguing that Soto and Rousseau were negligent during the attack in their failure to perform some ministerial act, when they themselves made the ultimate sacrifice in the face of a truly horrific tragedy. However, if in fact the plaintiffs are claiming that some ministerial duty to act was violated during the attack, then the relevant emergency guidelines are analyzed to weigh the claims as to the teachers' actions.

Staff conduct during an emergency crisis at the school was informed by the Lockdown and Code Blue Guidelines. It was anticipated that, for the Lockdown and Code Blue guidelines

to be initiated, a specific order be given by the principal. These guidelines necessarily implicated a staff member's discretion, and were developed by Pompano with the staff members' judgment in mind. Pompano Aff., ¶15. Moreover, the teachers, staff, and administrators were trained in applying common sense and judgment in implementing these guidelines during their training. Pompano Aff., ¶21; Feda Aff., ¶11; Hammond Aff., ¶12.

As is evident, the guidelines that apply in the instant situation, where a threat was inside the building, would have been the Code Blue guidelines. The Code Blue guidelines, unlike the Lockdown guidelines, remove the word "shall" and instead use "should" to recommend a course of conduct. The Code Blue guidelines clearly do not express a directive to the school teachers, staff, or administrators that they must act in a particular way giving rise to a ministerial duty. Because the Code Blue guidelines contain the qualifying word "should" throughout, similar to the letter at issue in Ugryn, this indicates that the teachers, staff, and administrators had discretion to exercise its judgment in their course of conduct during an emergency, even if the Code Blue was properly initiated in the first place. See Ugryn, supra.

The plaintiffs' complaint nonetheless alleges that state statutes, Conn. Gen. Stats. §§§ 10-220, 10-220f, and 10-221, provided a "ministerial" duty to implement the Lockdown (and presumably Code Blue) Guidelines at the time of Lanza's attack. See Plaintiffs' complaint, Count One, ¶6, 7. By their plain reading, none of these statutes contain a requirement that the town or board of education create, enforce, or abide by any rules and regulations. The statutes merely directs boards of education to use its judgment as to creating an appropriate learning environment for its students, gives boards of education the option to create a school district safety committee, and deals with rules, policies and procedures for textbooks, school library media centers, Internet access and content, homework, attendance, promotion and retention, the

While numerous tasks are listed in the guidelines at the center of the plaintiffs' claims, the "shall" language, to the extent that it is considered mandatory (which, as argued later, it is not) is only found in the Lockdown Guidelines, not the applicable Code Blue Guidelines for a threat inside the building. Moreover, if the defendants' employees were compelled by a ministerial duty to complete any of the steps, whether it be in the Lockdown or Code Blue Guidelines, which is denied by the defendants, they would have nevertheless been given the discretion to complete "one or more" of those steps. This clearly requires the teachers and staff to make a choice under extraordinarily difficult circumstances as to which of the steps to implement and in what order. This is the hallmark of discretion. Such discretion would no doubt

Hammond Aff., ¶12

To the extent that the plaintiffs repeatedly allege that the defendants' development and implementation of "the 'lock-down' and evacuation plan," in and of itself, created a ministerial duty on the defendants' employees to act a very specific way, without any discretion, in a crisis situation, such as Lanza's attack, this, too is unfounded. To begin with the obvious, the plaintiffs gloss over the abject terror that the defendants' teachers, staff, and administrators certainly faced when confronted with a heavily armed individual unafraid to use his weaponry against children and adults alike. The very nature of a crisis implicates that a dangerous set of circumstances has arisen and that judgment must be applied in response. This use of discretion was at the very foundation of the guidelines when they were developed by Pompano and when the teachers, staff, and administrators were trained in their application. Pompano Aff., ¶15, 21; Feda Aff., ¶11;

as the underlying lawsuit is concerns an attack by an off-campus non-student on the school. attempts, and parent-teacher communication. None of these matters have any irrelevancy insofar use, sale or possession of alcohol or controlled drugs, youth suicide prevention and youth suicide

include the discretion to not go out into the hallway where Lanza was located to lock the door when each and every other teacher, staff, or administrator who did so that morning was shot.¹

The very fact that the guidelines offer a range of options necessarily imputes the requirement of a judgment call or use of discretion in completing some or all of these tasks, to the extent that the defendants are able, and in which order. Yet the plaintiffs cannot prove which of these tasks were not undertaken or completed, such as removing the children to a corner of the classroom out of sight, or how long the defendants' employees had to accomplish these tasks, if they were able to do so at all given the circumstances of a fully armed mass murderer stalking through the hallways. Merely because locking the doors was not the first task accomplished does not mean that Soto and Rousseau violated the standard of care. It simply means that Soto and Rousseau were using their discretion to protect their students according to their best judgment before they were brutally killed by a madman.

b. Mere inclusion of "shall" language in and of itself does not make any given course of action mandatory

As noted previously, while the plaintiffs have indicated that they plan on using the lockdown guidelines as evidence of the "ministerial" duty the defendants had with respect to their students, the supposedly mandatory language of the guidelines still does not change the nature of the use of discretion in implementing the guidelines during Lanza's attack. It is true that, for a duty to perform to be considered mandatory, "there must be a written policy, directive or guidelines mandating a particular course of action." Lang, supra, citing to Bashaw v. Glastonbury, Superior Court, judicial district of Hartford, Docket No. CV 09 5032294, 51 Conn.

¹ Again, it should be noted that the decision by the defendants to have specific types of locks on the classroom doors, i.e. locks that secure from the inside as opposed to the outside, was an inherently discretionary decision made well before Lanza's attack and without any ability to foresee such a murderous rampage. Accordingly, the only ministerial duty that the plaintiffs can claim the defendants' employees were compelled to undertake with respect to these locks was the alleged duty to go out into the hallway and risk being shot in order to lock a door, despite the fact that locked doors did not prevent Lanza from entering the building in the first place.

L. Rptr. 100, 102, 2010 Conn. Super. LEXIS 3151 (December 7, 2010) (Peck, J.). However, reliance solely on the Lockdown guidelines is misplaced, no matter the fact that they were written and implemented through meetings, training, and drills at the time of Lanza's attack.

First, "the mere existence of an arguably applicable written policy or statute does not automatically make a duty ministerial, as long as the ultimate act involved the discretionary exercise of judgment." Mills v. Solution, LLC, 138 Conn. App. 40, 51, 50 A.3d 381 (2012). Indeed, at least one case has drawn a distinction when a policy is "not a guideline but a mandatory requirement." Kowalczyk v. New Milford Bd. of Educ., Judicial District of Litchfield, Docket No. CV0440008065S, 2005 Conn. Super. LEXIS 3524, at *12 (Dec. 13, 2005) (Pickard, J.) (as applied in that case to Conn. Gen. Stat. § 7-108). Thus, simply because the plaintiffs are able to produce a written set of guidelines on the lockdown procedure or Code Blue does not mean that the defendants were bound by a mandatory set of duties to act in a precise manner, or that there was any less discretion in implementing the tasks identified therein.

Moreover, as has been well-developed in case law, the language in the guidelines, even though it contains a seemingly mandatory "shall" in one instance for the Lockdown Guidelines (not the Code Blue Guidelines), does not necessarily create a ministerial duty. This is true even when "shall" language is included in a statute. "The mere fact that a statute uses the word 'shall' in prescribing the function of a government entity or officer should not be assumed to render the function necessarily obligatory in the sense of removing the discretionary nature of the function, and it is therefore not sufficient that some statute contains mandatory language nor that the public entity or officer was under an obligation to perform a function that itself involves the exercise of discretion." Mills v. Solution, LLC, 138 Conn. App. 40, 51, 50 A.3d 381 (2012), citing to 57 Am. Jur. 2d 91, Municipal, County, School, and State Tort Liability § 75 (2012).

“Although the word ‘shall’ can connote a mandatory command, the language of the statute, read as a whole, involves discretionary acts.” *Id.*; see also *Wiseman v. Armstrong*, 269 Conn. 802, 810, 850 A.2d 114 (2004) (“[a] statute is enacted as a whole and must be read as a whole rather than as separate parts or sections”).

Like the plaintiffs in the present case, the plaintiff in *Mills* argued that the mandatory nature of the word “shall” rendered the duty to furnish necessary action to be ministerial. *Id.*, 51. The Appellate Court rejected this argument: “We disagree with the plaintiff that the word ‘shall’ is sufficient to convert what is otherwise a discretionary act into a ministerial duty where the text of the statute leaves to the discretion of the police official how to perform the function” *Id.*

Thus, if “shall” language in a statute cannot be held to be mandatory, then the “shall” in the defendants’ self-developed and implemented lockdown guidelines carries even less force in creating a mandatory duty on the defendants’ employees. This is especially true as, in the context of the guidelines, this “shall” is followed up with the “one or more” language regarding the listed tasks. Indeed, in the Code Blue portion of the guidelines, which are undoubtedly the portion of the guidelines to consider during Lanza’s attack, the “shall” language is removed entirely, replaced by “should” throughout. Thus, the plaintiffs’ claim that the guidelines “left the teachers and staff with no discretion in implementing policies and procedures for a ‘lock-down’ and evacuation if an intruder entered the school” is a plain misreading of the guidelines and incorrect application of the well-worn case law on governmental immunity.

c. The actions of Newtown’s teachers, staff, and administrators are discretionary in nature

The discretionary nature of the defendants’ employees’ conduct prior to and during the crisis is further supported by the holdings of Superior Courts, which have weighed ministerial

versus discretionary acts specific to the school setting.² An often-cited case in suits against a school or board of education is Heigl v. Board of Educ., 218 Conn. 1, 2 (1991), which considered a board of education's open campus policy. On appeal, the court held that the board was entitled to tort immunity as it was engaged in a legislative function requiring the exercise of independent judgment or discretion; the board's creation of the open campus policy was a discretionary activity. Id. Specifically, the court found that "[t]he act of promulgating a policy, however, is a discretionary activity. A policy, by definition, is 'a definite course or method of action selected from among alternatives . . . to guide and determine present and future decisions.' Webster's Ninth New Collegiate Dictionary. The fact that a policy is enacted 'to guide . . . future decisions' indicates that the board was engaged in a legislative, and therefore discretionary, activity." Id.

Thus, while the Lockdown and Code Blue Guidelines speak for themselves in giving discretion to the defendants' teachers, staff, and administrators in their implementation, even without the plain reading of the guidelines, the actions of teachers, staff, and administrators in

² For example, "[w]hen presented with the issues of supervision of students, implementation of school policies and the control and management of a school and its students, Superior Courts have generally held that these are public duties, as they affect students generally, and are carried out through discretionary acts." Negron v. Ramirez, Superior Court, judicial district of New London, Docket No. CV 09 5013686, 2011 Conn. Super. LEXIS 1480 (June 10, 2011) (Cosgrove, J.), citing, inter alia, Dube v. Bye, Superior Court, judicial district of New Haven, Docket No. CV 98 0418259, 26 Conn. L. Rptr. 290, 1999 Conn. Super. LEXIS 3367 (December 13, 1999) (Zoarski, J.T.R.); see also Rigoli v. Shelton, 53 Conn. L. Rptr. 467, 2012 Conn. Super. LEXIS 349 (February 6, 2016) (Hiller, J.) ("[w]hen presented with the issues of supervision of students, implementation of school policies and the control and management of a school and its students, Superior Courts have generally held that these . . . [duties] are carried out through discretionary acts"); Romanella v. Nielson, Superior Court, judicial district of New London, Docket No. 065100163, 2009 Conn. Super. LEXIS 1463 (May 27, 2009) (Abrams, J.) ("Connecticut law . . . considers the supervision of students a discretionary act"); Doe v. Board of Education, Superior Court, judicial district of New Haven, Docket No. 04 0490216, 2007 Conn. Super. LEXIS 3423 (December 19, 2007) (Corradino, J.) ("[i]t is generally recognized that failure to supervise students or perhaps better put, the provision of adequate security to protect students from injury of a physical or emotional nature caused by other students is a discretionary government activity"); LaPerle v. Woodstock Academy, Superior Court, judicial district of Windham, Docket No. 06 5000370, 43 Conn. L. Rptr. 531, 532, 2007 Conn. Super. LEXIS 1385 (June 5, 2007) (Martin, J.) ("[t]he duty of a [town board of education] to supervise students is discretionary rather than ministerial"); Stevens v. Vegas, Superior Court, judicial district of New Haven, Docket No. 93 9352632, 1994 Conn. Super. LEXIS 293 (February 7, 1994, Hadden, J.) ("[t]he claim of the plaintiff against the board is a failure to supervise students, and this duty, if it exists, is a discretionary one").

implementing school policies, whether before or during the attack, are inherently discretionary acts. To hold otherwise would not only be contrary to case law, but contrary to common sense and strong public policy in giving educators the ability to make judgment calls to tailor their actions to a specific set of circumstances with their students.

More relevant discussion in our case law on the application of discretion in the school setting is found in Harris, supra. In Harris, when considering whether it would even be possible to develop a school policy or directive that would prescribe a mandated course of action for supervision of students without any discretion, the court opined that “[i]ndeed, such a policy is difficult to conceive given that most—if not all—aspects of supervision necessarily require the continuous exercise of judgment.” Id. The court went on to hold that:

Considerations such as the number of staff or security officers to hire, how many to devote to supervising a student or group of students at any given time and where to post staff and security personnel all require the exercise of judgment... Moreover, the manner in which school employees respond to a given situation, such as by personally intervening, notifying an administrator or pursuing another course of action, further depends on judgment.

Id.

Clearly, the court’s holding in Harris directly defeats the plaintiffs’ claims in the present case that the defendants were negligent for failing to retain security officers at the elementary school. This is further supported through Superior Court case law.³

As to the plaintiffs’ claims that the defendants were negligent for “fail[ing] to train and supervise the staff at school on the proper way to implement ‘lock down’ and evacuation procedures for situations like the one that presented itself on December 14, 2012”, this too is

³ See Cancisco v. Hartford, Superior Court, judicial district of Hartford-New Britain at Hartford, Docket No. 519929, 1995 Conn. Super. LEXIS 1885, (June 27, 1995) (Corradino, J.) (acts of the board of education, principal and superintendent, charged with negligence in fashioning adequate security policy, in supervision and hiring, and ensuring security at school, were found discretionary in nature); Farone v. New Haven Coliseum, Superior Court, judicial district of New Haven at New Haven, Docket No. 330109, 1995 Conn. Super. LEXIS 2484, (August 29, 1995) (Martin, J.) (providing adequate staff and adequate supervision for the safety of patrons at a high school hockey game is discretionary).

widely considered to be discretionary in nature. Indeed, “[i]t is well settled in Connecticut that decisions involving municipal employee hiring, training, supervision and discipline are discretionary acts as a matter of law.” (Emphasis added) Brooks v. Sweeney, Superior Court, judicial district of Hartford, Docket No. CV 06 5005224, 2008 Conn. Super. LEXIS 3122 (November 28, 2008) (Miller, J.), *aff’d*, 299 Conn. 196, 9 A.3d 347 (2010), citing to Hughes v. Hartford, 96 F.Supp.2d 114, 119 (D.Conn. 2000).

Without this inherent use of discretion in the school setting, whether it be in the middle of a crisis or as an everyday occurrence, teachers, staff, and administrators would not be able to adequately assess a situation and determine what, exactly, should be done, if anything, to ensure the safety of their charges. Thus, given the complexities of managing for the education and welfare of students in even the most routine of settings, the suggestion that the defendants’ pre-attack conduct in choosing which types of locks to have on their doors, how to supervise or train staff in emergency preparedness, where to store a classroom key, whether or not to hire a security guard, or whether or not to install bullet-proof glass was somehow bound by a ministerial duty to act in a certain way is erroneous. Moreover, during a crisis, there can be no question that the expectation of a course of action that requires absolute, certain, and imperative acts to be universally applied by mandate, involving merely the execution of a set task according to a prescribed and defined time, manner, and occasion of the performance with such certainty that nothing remains for judgment or discretion, is wholly and completely unrealistic, and, if anything, dangerous.

Accordingly, each and every allegation of negligence by the plaintiffs as to the defendants’ alleged negligent conduct before or during the attack, even if somehow proven, fall under the auspices of government immunity protections of Conn. Gen. Stat. § 52-557n (a)(2)(B)

as a matter of law.

d. The identifiable person/imminent harm exception does not apply to the plaintiffs' allegations of negligence, and therefore cannot prevent the application of governmental immunity.

Though the defendants have shown that their teachers, staff, and administrators warrant the protections of governmental immunity for their discretionary conduct prior to the attack and in implementing the Code Blue guidelines, the plaintiffs may argue that the identifiable person/imminent harm exception should apply. Quite simply, such an argument is erroneous as that exception cannot possibly apply to either the pre-attack conduct of the defendants or the conduct of the defendants during the course of the attack as a matter of law.

In applying a governmental immunity analysis for the discretionary acts a public official, the Supreme Court has held that an exception exists “when it would be apparent to the public officer that his failure to act would be likely to subject an identifiable person to imminent harm.” Gordon v. Bridgeport Housing Authority, 208 Conn. 161, 167, 544 A.2d 1185 (1988). “While it is the defendant's burden to prove the defense of governmental immunity . . . it is the plaintiff's burden to prove an exception to that defense.” (Citation omitted.) Silano v. Board of Education, 52 Conn.Sup. 42, 62, 23 A.3d 104 (2010), *aff'd*, 129 Conn.App. 682, 21 A.3d 899; 129 Conn. App. 682, 21 A.3d 899 (2011), citing *inter alia*, Cotto v. Board of Education, *supra*, 294 Conn. 273. As characterized by the Supreme Court in Evon v. Andrews, 211 Conn. 501, 507, 559 A.2d 1131 (1989), “the 'discrete person/imminent harm' exception to the general rule of governmental immunity for employees engaged in discretionary activities has received very limited recognition in this state.”

The law regarding the identifiable person, imminent harm exception is as follows:

“[T]he identifiable person, imminent harm exception . . . applies when the circumstances make it apparent to the public officer that his or her failure to act

would be likely to subject an identifiable person to imminent harm . . . By its own terms, this test requires three things: (1) an imminent harm; (2) an identifiable victim; and (3) a public official to whom it is apparent that his or her conduct is likely to subject that victim to that harm . . . We have stated previously that this exception to the general rule of governmental immunity for employees engaged in discretionary activities has received very limited recognition in this state . . . If the plaintiffs fail to establish any one of the three prongs, this failure will be fatal to their claim, that they come within the imminent harm exception.” (Internal quotation marks omitted.) Grady v. Somers, 294 Conn. 324, 350, 984 A.2d 684 (2009).⁴

As for the rationale behind the imminent harm, identifiable victim exception, “[i]t represents a situation in which the public official's duty to act is [so] clear and unequivocal that the policy rationale underlying discretionary act immunity—to encourage municipal officers to exercise judgment—has no force.” (Internal quotations omitted, internal citations omitted) Brooks v. Powers, 165 Conn. App. 44, 62, 138 A.3d 1012 (2016).

Given that there must be a showing of imminency, an identifiable victim, and apparentness of a course of conduct subjecting a victim to harm, without question this exception can only apply to the defendants’ conduct during Lanza’s attack, not to the defendants’ conduct prior to the attack. Indeed, the plaintiff’s complaint does not claim otherwise and, as seen later, affirmatively states that the imminency only began during Lanza’s attack. Thus, for purposes of this analysis, the defendants will only consider the potential application of the exception to the defendants’ conduct during Lanza’s attack. To date, the plaintiffs have not identified who in the school, if anyone, acted negligently during the attack itself. Nor have the plaintiffs identified what the negligent conduct was by those yet unnamed individuals.

With respect to the first prong of the test for the imminent harm, identifiable person exception, “imminent harm” is “harm ready to take place within the immediate future.” Green v.

⁴ See also Doe v. Petersen, 279 Conn. 607, 620, 903 A.2d 191 (2006) (“[T]he core requirements of the ‘imminent harm’ exception are analyzed conjunctively. To prevail, the plaintiff must demonstrate that she was an identifiable person and was subject to imminent harm and that a public officer's conduct subjected her to that harm, despite the apparent likelihood of harm to her. Demonstration of less than all of these criteria is insufficient.”).

Hochman, Superior Court, judicial district of Fairfield, Docket No. CV 08 4024068, 2011 Conn. Super. LEXIS 901 (April 8, 2011) (Dooley, J.), citing to Tryon v. North Branford, 58 Conn.App. 702, 712, 755 A.2d 317 (2000); see also Evon, 211 Conn. at 508, (rejecting a possibility of a fire as “imminent harm” as it was a condition that “could have occurred at any future time or not at all”). According to the Supreme Court in Haynes v. Middletown, 314 Conn. 303, 313, 101 A.3d 249 (2014) “the proper standard for determining whether a harm was imminent is whether it was apparent to the municipal defendant that the dangerous condition was so likely to cause harm that the defendant had a clear and unequivocal duty to act immediately to prevent the harm.”

“The primary difference between the... cases sending the question of imminent harm to the jury and the... cases holding that as a matter of law harm was not imminent appears to be that, whereas in the former, a jury reasonably could conclude that, on a given day, the harm was more likely than not to occur; in the latter, the complaint alleged only a low level general risk that, after a long enough time, eventually came to fruition... (American Heritage Dictionary of the English Language defines ‘imminent’ as ‘[a]bout to occur; impending’ and Merriam-Webster's Collegiate Dictionary defines ‘imminent’ as ‘ready to take place; esp[ecially]: hanging threateningly over one's head’ [internal quotation marks omitted]).” Brooks v. Powers, 165 Conn. App. 44, 76, 138 A.3d 1012 (2016).

Clearly, this case law suggests that Lanza’s attack was not imminent for purposes of scrutinizing the defendants’ pre-attack actions, when Lanza’s attack was not “ready to take place,” such that it was “hanging threateningly over one’s head.” Indeed, the plaintiffs’ complaint only alleges that Lanza’s attack was “imminent” in that:

it was isolated to the collection of times from when the shooter shot out the front window until he ultimately committed suicide; and was geographically restricted to the area in which [the plaintiffs and their] classmates were located in their classrooms; in that the teachers and staff in his classroom were well-aware of this imminent harm as gun shots

had been firing down the hallway outside the door to [the plaintiffs'] classroom[s] killing both the school principal at the end of the hallway, the school psychologist at the end of the hallway, and injuring at least one staff member at the end of the hallway; therefore the teacher(s) in [the plaintiffs'] classroom[s] were on notice that an imminent harm was present to the identifiable victims in the classroom[s].

Plaintiffs' complaint, Count One, ¶30i. For purposes of this motion, the defendants do not dispute that, at the moment that Lanza fired his rifle into the school and burst through the front doors, his attack on the plaintiffs' decedents became imminent. Moreover, as to the second prong of the exception, that of the identifiable victim, the defendants do not dispute that the plaintiffs' decedents in this case would fall into this category once the attack began.⁵

However, as for the last prong, the 'apparentness' requirement, it "is grounded in the policy goal underlying all discretionary act immunity, that is, 'keeping public officials unafraid' to exercise judgment... It surely would ill serve this goal to expose a public official to liability for his or her failure to respond adequately to a harm that was not apparent to him or her." (Internal citations omitted.) Doe v. Petersen, 279 Conn. at 616-17. The test for apparentness is objective, asking "whether the circumstances would have made it apparent to a reasonable government agent that harm was imminent." Brooks, 165 Conn. App. at 79 n.22. "A plaintiff must therefore prove not only that it was apparent that a victim was at risk of imminent harm, but also that it was apparent that the defendants' chosen response or nonresponse to the imminent danger would likely subject the victim to that harm." (Emphasis added). Id. at 61. "The exception applies only if an officer chooses a course of action that was clearly beyond the pale because it was apparent that it would likely subject someone to imminent harm." (Emphasis added.) Id. at 63-64.

⁵ Though, as noted previously, the defendants dispute that the plaintiffs' decedents would have been considered "identifiable victims" as applied to the period of time before Lanza's attack began. However, for purposes of this motion, the defendants do not dispute that, during the attack itself, they were identifiable victims.

Once again, it is clear that the defendants' conduct prior to the attack would not have been apparent that such a course of conduct would likely subject the plaintiffs' decedents to an imminent harm. However, if the plaintiffs contend that the defendants' actions during the attack was somehow negligent, the plaintiffs still must identify who it was that acted negligently, how they were negligent in acting or failing to act, and what must have been done instead.

Even still, if such negligence during the attack is alleged, the plaintiffs must prove how the negligent employees' chosen courses of action were "clearly beyond the pale." The plaintiffs cannot provide any evidence as to how the allegedly negligent individuals acted or failed to act in a particular way. Without the ability to know anything about the course of conduct chosen by the defendants' employees during the attack, there can be no determination that their course of action, whatever it was, was clearly beyond the pale. To merely speculate as to the defendants' employees' chosen course of action at the time would be insufficient to proceed beyond summary judgment in and of itself. Moreover, arguments that it should have been apparent to the allegedly negligent employees that their failure to risk their lives by going out into the hallway to lock their classroom doors, when each and every other teacher, staff, or administrator who went out into that same hallway was shot, is clearly not what was embraced through case law as the type of conduct that would be "beyond the pale."

If the plaintiffs do decide to identify Soto and Rousseau as having been negligent in some way during Lanza's attack, the best the plaintiffs can allege is that Soto and Rousseau could not or did not lock the doors to their classroom prior to their murder. What they cannot refute by way of competent evidence was whether Soto and Rousseau undertook any of the host of other options provided to them by the guidelines, to the extent they were able to undertake any before becoming aware of Lanza's attack. Accordingly, the plaintiffs cannot prove to this Court that the

circumstances of the attack, and the defendants' teachers' conduct during same, prompts the application of the exception to governmental immunity.

4. **Adam Lanza's intervening criminal actions destroys any causal link between the defendants' actions and any alleged negligence.**

The defendants are entitled to summary judgment on the grounds that the intervening criminal conduct of Adam Lanza precludes any finding that any alleged negligence of the defendants caused the deaths of the decedents. The defendants note again that they deny all negligence in this matter. However, for the purposes of this motion, even if such negligence could be proven against the defendants, the intervening⁶ criminal acts of Adam Lanza as a matter of law preclude a finding of liability against them.

"A superseding cause is an act of a third person or other force which by its intervention prevents the actor from being liable for harm to another which his antecedent negligence is a substantial factor in bringing about." (Internal quotation marks omitted.) Wagner v. Clark Equipment Co., 243 Conn. at 179.

As our Supreme Court has described it:

[t]he function of the doctrine [of superseding cause] is to define the circumstances under which responsibility may be shifted entirely from the shoulders of one person, who is determined to be negligent, to the shoulders of another person, who may also be determined to be [culpable], or to some other force. . . . If a third person's [culpability] is found to be the superseding cause of the plaintiff's injuries, that [culpability], rather than the negligence of the party attempting to invoke the doctrine of superseding cause, is said to be the sole proximate cause of the injury.

(Citations omitted; internal quotation marks omitted.) Barry v. Quality Steel Products, Inc., supra, 263 Conn. 242, 434-35 (2003).

⁶ "The terms 'intervening cause' and 'superseding cause' have been used interchangeably. . . . The Restatement of Torts makes clear that the doctrine is properly referred to as 'superseding cause,' and that it embodies within it the concept of an 'intervening force.'" (Internal quotation marks omitted.) Wagner v. Clark Equipment Co., 243 Conn. 168, 178, 700 A.2d 38 (1997), citing 2 Restatement (Second), Torts §§ 440 through 453 (1965).

The Connecticut Appellate Court recently addressed the doctrine of superseding cause based on criminal activity, upholding its viability in Connecticut. Snell v. Norwalk Yellow Cab, Inc., 172 Conn. App. 38, 57-58 (2017).⁷ Given the doctrine's continued viability and drawing on the principles behind these Restatement sections, courts have found, in relevant part, that "[w]hen there is an intervening force between the defendant's action and the plaintiff's injuries, the test for determining proximate cause is whether the defendant's negligence was a substantial factor in causing the plaintiff's injuries and 'whether the harm which occurred was of the same general nature as the foreseeable risk created by the defendant's negligence . . .'" Wilson v. City of Bridgeport Bd. of Educ., Judicial District of Fairfield at Bridgeport, Docket No. FBTCV116024245, 2015 Conn. Super. LEXIS 1168, at *40 (May 15, 2015) (Arnold, J.), citing to Doe v. Manheimer, 212 Conn. 748, 757-59, 563 A.2d 699 (1989). "The reason [for the general rule precluding liability where the intervening act is intentional or criminal] is that in such a case the third person has deliberately assumed control of the situation, and all responsibility for the consequences of his act is shifted to him." Id. (Citations omitted; internal quotation marks omitted.) Manheimer, 212 Conn. at 759.

⁷ In Snell, the Appellate Court examined the applicability of the superseding cause doctrine when a taxicab company's driver left the keys in the ignition in a high-crime area, thereby allowing two thieves to steal the taxicab, which ultimately struck the plaintiff. In considering a jury instruction on superseding cause, the Appellate Court turned to the general principles outlined in the Restatement (Second) of Torts' Sections 442 through 453 to help determine under what circumstances policy may dictate that the actions of a third party or other intervening force constitute a superseding cause. In applying the superseding cause doctrine in that particular case, the court in Snell found §§ 442B, 448, and 449, "of particular relevance" as they had been cited favorably or adopted by the Supreme Court in Stewart v. Federated Dept. Stores, Inc., 234 Conn. 597, 607, 662 A.2d 753 (1995) (noting adoption of § 442B) and Doe v. Saint Francis Hospital & Medical Center, 309 Conn. 146, 177-78, 72 A.3d 929 (2013) (relying in part on §§ 448 and 449). The Snell court acknowledged that the Connecticut Supreme Court in Barry "abolished use of the doctrine of superseding cause in those cases in which a third party's negligence is alleged to have intervened to cause the plaintiff's injuries, opting to subsume the doctrine into the proximate cause inquiry." Snell v. Norwalk Yellow Cab, Inc., 172 Conn. App. at 62. However, the Snell court also noted that the Supreme Court in Barry "was not mandating that courts utilize this same approach in all civil cases, explaining that its holding did 'not necessarily affect those cases [in which] the defendant claims that an unforeseeable intentional tort, force of nature, or criminal event supersedes its tortious conduct.'" Id.; see Barry, supra, 263 Conn. at 439 n.16 (exempting from its holding the abolition of the doctrine of superseding cause for those cases in which a defendant alleged intervention by an "unforeseeable intentional tort, force of nature or criminal event.").

In Manheimer, the plaintiff brought suit against the defendant after she was sexually assaulted on his property by a third party. The plaintiff alleged that she had encountered her attacker on a sidewalk while working as a meter reader. As she attempted to provide him with directions, he forced her off the sidewalk at gun point and onto the defendant's property, where he used overgrown grass and sumac bushes to conceal his assault on her. Id. at 749-50. In her suit, the plaintiff claimed that the defendant was negligent in that "he knew or should have known that, because the neighborhood was a high crime area, third persons might use the overgrowth to conceal the perpetration of crimes against pedestrians." Id.

On appeal, the Supreme Court affirmed the trial court's decision to aside the verdict, concluding that "there was no room for a reasonable disagreement that the plaintiff did not establish that the condition on the defendant's land was a proximate cause of the sexual assault." (Internal quotation marks omitted.) Id. at 770. The court stated that:

"the harm [the plaintiff] suffered [could not] reasonably be understood as within the scope of the risk created by the defendant's conduct . . . A prudent person who owns land abutting a public way would not, in our opinion, infer from his ordinary experience the possibility that overgrown vegetation will prompt or catalyze a violent criminal act. This theory ascribes far too much speculative imagination to a 'reasonable' or 'prudent' person. A person of ordinary caution is not required to be accomplished at making such recondite associations." Id. at 761-62.

Importantly, this analysis of the intervening or superseding criminal conduct doctrine on causation has been applied in the school setting in Superior Court cases as well. In Harris v. City of New Haven Bd. of Educ., Judicial District of New Haven, Docket No. CV096004180S, 2013 Conn. Super. LEXIS 566, at *50 (Mar. 12, 2013) (Fischer, J.), a ninth-grade female special education student at Hillhouse High School accompanied three male classmates off of Hillhouse High School property in New Haven prior to the end of the day's classes, where she was allegedly sexually assaulted. The plaintiff claimed that the school and board of education was

responsible for not properly supervising her daughter and preventing her from leaving school. On the defendant's motion for summary judgment, Judge Fischer found that "[i]n the absence of a history of [the female student] leaving school without permission, or one of the defendants witnessing her departure, there would have been little reason for the defendants to foresee that she would impermissibly exit school property on that day and become the victim of a violent criminal act. To expect school staff to assume otherwise, and associate every unexpected absence of a student with the possibility that the student has left school and come under immediate threat of violent crime, 'ascribes far too much speculative imagination to a 'reasonable' or 'prudent' person.'" *Id.*, citing to Doe v. Manheimer, *supra*, 212 Conn. 762.

The court then held that "[i]t is evident that the plaintiffs will not be able to prove that [the female student's] alleged assault would not have occurred had the defendants contacted her mother or guardian. Such a conclusion would necessarily be predicated upon speculation and conjecture, and the court cannot permit the jury to speculate as to an essential element of the plaintiffs' claims." This was despite a school "policy that directs school staff to contact [students'] parents [that] prescribes that 'if a student cuts classes or school without permission the school will call home and take appropriate disciplinary action' and that '[p]arents will be called each day that a student is absent from school.'" The court then granted the defendants' summary judgment motion as the plaintiff's case failed to satisfy the causation element of negligence.

This case presents a situation whereby the criminal acts of Adam Lanza necessarily supersede any alleged negligence on the part of the defendants. It is without question that the tragedy of December 14, 2012 was unprecedented. The plaintiffs cannot deny that there had never been an attack on an elementary school that approached what happened at Sandy Hook

School. Given the unprecedented nature of Lanza's criminal attack, it cannot be argued that it was reasonably foreseeable that an unidentified shooter, armed with an assault rifle would shoot his way into an elementary school and commit atrocities therein. The allegations of negligence, though denied, do not create the scope of risk that contemplates such an unprecedented criminal attack on an elementary school in a previously safe suburban community. The law does not require anyone to anticipate all manner of criminal conduct of third persons, only those within a certain scope of risk. However, no concept of proximate cause can be stretched to suggest that the defendants should have foreseen the potential of an attack like that perpetrated on December 14, 2012 at Sandy Hook School.

Through his heinous and criminal actions, Adam Lanza deliberately assumed control of the situation and all responsibility in this suit, for the attack lies solely with him. As cited above, courts in this state have routinely found that criminal conduct disconnected from the alleged negligence of a defendant breaks the causal chain and precludes a finding of liability. Simply put in this matter, the horrendous and unprecedented nature of Adam Lanza's criminal conduct precludes any finding of foreseeability, a necessary element for the plaintiffs to proceed. There is no question of genuine material fact that the criminal conduct of Adam Lanza was a superseding cause of any alleged negligence of the defendants, which is herein denied.

5. The defendants are not liable for the results of Lanza's attack pursuant to Conn. Gen. Stat. 52-557n(b)(6) as the plaintiffs' decedents' deaths were the result of Lanza's direct actions, not the acts or omissions of any of the defendants or their employees.

The principles of common law superseding or intervening conduct are codified specifically as to municipal defendants through Conn. Gen. Stat. 52-557n(b)(6). According to Connecticut's plain meaning statute, Conn. Gen. Stat. § 1-2z, "[t]he meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other

statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered.” However, if the court must look beyond the statute itself to ascertain its meaning, courts in Connecticut are guided by the “well established tenets [of statutory construction] Our fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In seeking to discern that intent, we look to the words of the statute itself, to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter.” (Internal quotation marks omitted.) Gil v. Courthouse One, 239 Conn. 676, 682, 687 A.2d 146 (1997).

According to statute at issue in the present case, Conn. Gen. Stat. 52-557n(b)(6), “a political subdivision of the state or any employee, officer or agent acting within the scope of his employment or official duties shall not be liable for damages to person or property resulting from (6) the act or omission of someone other than an employee, officer or agent of the political subdivision.” As is plainly evident from the statute, “Conn. Gen. Stat. 52-557n(b)(6)... establish[es] a rule that the municipality's negligence be the direct cause of the injury and not that of a third party.” Elliot v. City of Waterbury, Judicial District of Waterbury, Docket No. 117411, 1997 Conn. Super. LEXIS 799, at *12 (Mar. 25, 1997) (Pellegrino, J.).

Simply based on the statute’s plain meaning, the defendants in the present lawsuit should not and cannot be held responsible for the horrific acts of Adam Lanza, which, it cannot be disputed, directly caused the deaths of the plaintiffs’ decedents. At best, the plaintiffs’ claims in this case amount to allegations that the defendants did not do more to prevent the attack from

happening or failed to properly respond once the attack began. But regardless, what cannot be debated is that it was Lanza's own acts in shooting through the school's front doors, murdering school administrators, and entering the classrooms and murdering those therein which caused the plaintiffs' deaths. Accordingly, based on the plain meaning of the statute alone, the municipal defendants cannot be held liable for the acts or omissions of Lanza, who was clearly not an employee, officer, or agent of the defendants.

To the extent this Court wishes to dig deeper into the context of Conn. Gen. Stat. 52-557n(b)(6), the defendants' position is further solidified. As Judge Pellegrino explained in Elliot, "the legislative history sets forth the intent of the statute to make the municipality liable for damage directly caused by the municipality and not directly by third party." Id.⁸

⁸ The Court in Elliot noted the following relevant legislative history of Conn. Gen. Stat. 52-557n(b)(6):

Representative Wollenburg, speaking before the House of Representatives during debate of PA 86-338 [which would be the basis for Conn. Gen. Stat. 52-557n, enacted as part of tort reform in 1986], stated that Public Act 86-338 will have the affect of "limiting the liability to municipalities to a great extent." House of Representatives, 1986 session, May 1, 1986, p. 5740...

During the proceedings in the House of Representatives on May 1, 1986, Representative Jaekle... stated, that the purpose of subdivision b of the Public Act is that "municipalities would not be liable for the actions of third parties as opposed to their own direct actions." House of Representative, Thursday, May 1, 1986, p. 5940.

On Tuesday, May 6, 1986, Representative Jaekle continued to discuss the municipal liability section of the bill.

a lot of the exemptions for liability listed are for what I would call third party negligence. That through a variety of rather clever legal means that have built into precedent and become some standards, municipalities have been held responsible and liable for actions of other people.

House of Representatives, Tuesday, May 6, 1986, p. 8116.

Representative Jaekle then discussed a case involving a builder and building inspector who were sued after several units were severely damaged after sinking. The plaintiff sued the town and its building inspector for negligence. Representative Jaekle argued that the builder and developer were responsible, not the town. He stated, in further support of 52-557n(b)(6) on Tuesday, May 6, 1986 that the claim against the building inspector was "one of the problems in municipal law. Municipalities are getting hit for the liability of other people, and that is darn hard to insure against and predict." Id. at 8117.

And in many of these exceptions . . . what we are trying to do . . . is to say no, the person who actually caused the injury is responsible. The actions of somebody that is negligent as to an injured party should be responsible. If it's direct negligence on the part of the municipality, and that negligence directly injured somebody, all this concern about municipal liability . . . This says that municipality's liable. That's a very

In Elliot, it was undisputed that the plaintiff, Elliot was jogging on Pitch Road, an unpaved road in the Town of Morris, when he was unintentionally shot and killed by Cook, a person who was hunting in the watershed area owned by the City of Waterbury and adjacent to Pitch Road. The plaintiff brought suit against the City of Waterbury for allowing hunting at the watershed, failing to post warning signs, failing to adequately supervise and inspect the hunting, failing to instruct hunting in the area, failing to obtain a health service permit, failing to investigate and appreciate hunting incident complaints, failing to implement appropriate hunting policies, and failing to appreciate and take appropriate steps to alleviate dangerous and unsafe hunting conditions.

The plaintiff did not claim that Cook was an employee, official or agent of Waterbury at the time, but rather a hunter, given permission to hunt the Waterbury Watershed. It was undisputed that Cook's negligence directly caused an injury and the municipality was sought to be held accountable for allowing the third party to use its property. Judge Pellegrino noted that "the municipality is only indirectly involved and is 'one step removed.'" This, as well as the city's arguments on governmental immunity, served as the basis of the court's decision to grant summary judgment in favor of the City on the plaintiffs' claims of negligence.

Similarly, in Dasilva v. Bridgeport, Superior Court, Judicial District of Fairfield at Bridgeport, 1992 Conn. Super. LEXIS 1790, Docket No. CV90-0276375, 6 Conn. L. Rptr. 888 (June 18, 1992) (Spear, J.), the plaintiff alleged he was mugged while walking along a street in the City of Bridgeport. He was then dragged into a building which was once used as a firehouse by the City of Bridgeport, and was thrown out a second floor window. The plaintiff claimed that

beginning. It says a municipality shall be liable for damages to persons or property caused by the negligent acts or omissions of a political subdivision or their employees or officers.

But you've got to draw the line somewhere, and I think you draw the line at their direct actions and say actions of third parties, the municipality shouldn't be liable for." Id. At pp. 8117-18.

the employees of the City of Bridgeport were responsible for inspecting and maintaining that firehouse even though the City no longer owned the firehouse. The City of Bridgeport successfully moved to strike the part of the complaint which sounded in negligence. Bridgeport relied on Conn. Gen. Stat 52-557n(b)(6). The court wrote

this statute shields a municipality from liability in a situation as alleged in the first two counts [alleging negligence of employees and indemnification for such negligence] from liability for the tortious or criminal acts of third parties. Defendant also points out in its brief . . . that the legislative history of this act, part of what is generally known as "Tort Reform," clearly states the reason for the enactment of the statute. Representative Jaekle made the following statement in support of the legislation:

Subsection (b) tries to define specific areas of municipal responsibility. I like to generally regard it as one party removed from actually causing any damages. And, specifically it removes that liability from the municipality.

Not for their direct actions, but for the actions of somebody else that through very creative lawyers, towns have been liable for the actions of others.

Id. at page 2.

These cases demonstrate how, in addition to the plain meaning of the statute, the application of the legislative history of Conn. Gen. Stat. 52-557n(b)(6) clearly bars the present claim. Again, it is undisputed that the plaintiffs' decedents' deaths resulted from Lanza's murderous acts. As the legislative history suggests, these are precisely the types of circumstances contemplated where the defendants should not be liable for the actions of third parties "as opposed to their own direct actions." The direct actions in causing the deaths of the plaintiffs' decedents cannot be any actions other than Lanza's attack. To argue otherwise would be nonsensical. While the plaintiffs may claim that the defendants' actions prior to Lanza's attack allowed the attack to occur in some way (which the defendants emphatically deny), these were not the "direct actions" contemplated by the legislature (as in the building inspector example) or

courts (as in the hunting accident or mugging cases) which caused the plaintiffs' deaths. It was the attack itself which was the "direct action" took the lives of the plaintiffs' decedents.

As argued in the legislature, "you've got to draw the line somewhere, and I think you draw the line at their direct actions and say actions of third parties, the municipality shouldn't be liable for." The present suit is the right time and place to draw the line as to municipal liability for the direct actions of a third party. While the municipal defendants' liability is already destroyed through a causation analysis applying the intervening conduct doctrine, this is further solidified through the codification of protections of municipalities for the conduct of others. Accordingly, it is evident from the plain meaning and legislative history that the defendants cannot be found liable for Lanza's attack pursuant to the protections of Conn. Gen. Stat. 52-557n(b)(6).

6. The plaintiffs' failure to produce any experts, despite the requirement to do so, precludes their ability to prove their claims.

Finally, the plaintiffs' failure to produce the requisite expert testimony to opine on the defendants' standard of care and actions in relation to that standard demonstrate how this case cannot advance beyond the summary judgment stage. Given the complex subject matter of school and building security, and the confounding details of Lanza's senseless attack itself, such testimony is surely required to prove claims of negligence against the defendants and weigh the defendants' actions against the standard of care.

"[E]xpert testimony . . . serves to assist lay people, such as members of the jury and the presiding judge, to understand the applicable standard of care and to evaluate the defendant's actions in light of that standard. . . . Expert testimony is required when the question involved goes beyond the field of the ordinary knowledge and experience of judges or jurors." (Citation omitted; emphasis omitted; internal quotation marks omitted.) Doe v. Hartford Roman Catholic

Diocesan Corp., 317 Conn. 357, 374, 119 A.3d 462 (2015).⁹ Expert testimony is required if the jury otherwise has to rely on “mere conjecture and speculation,” which are prohibited. Cardinal Realty Investors, LLC v. Bernasconi, 287 Conn. 136, 141, 946 A.2d 1242 (2008) (internal quotation marks omitted) (“Although it is the fact finder’s right to draw logical deductions and make reasonable inferences from the facts proven . . . mere conjecture and speculation [are prohibited and require expert testimony].”).

By the very unprecedented nature of Lanza’s attack on the children and adults of the school, ordinary individuals can not understand or appreciate the tragedy that took place. Accordingly, to assist the jury in understanding the intricacies of the standard of care to apply to the defendants, expert testimony is necessary. The plaintiffs have failed to disclose a single expert of their own on the standard of care applicable to the defendants. This is despite the plaintiffs’ repeated assertions in their discovery responses as to the purported “best practices” that the defendants should have employed prior to the attack.¹⁰ The plaintiffs offer no experts to identify what the “best practices” are, whether they are the standard of care, where they are found, how, why, or when they are applied, or how the defendants’ conduct measures up to those “best practices.”

Certainly, an expert would be necessary to prove the plaintiffs’ claims that the defendants needed to provide classroom doors that locked from the inside, or that the defendants failed to adequately train or supervise the school staff, or that the defendants were required to provide teachers with classroom keys, or that the defendants were required to retain a security guard, or

⁹ See also Allison v. Manetta, 284 Conn. 389, 405-406, 933 A.2d 1197 (2007) (“[A]lthough expert testimony may be admissible in many instances, it is *required* . . . when the question involved goes beyond the field of the ordinary knowledge and experience of the trier of fact.” (Internal quotation marks omitted, emphasis added)). “[If] the *causation issue* involved goes beyond the field of ordinary knowledge and experience of judges and jurors, expert testimony is required.” (Emphasis added, internal quotation marks omitted) Hughes v. Lamay, 89 Conn. App. 378, 381, 873 A.2d 1055 (2005).

¹⁰ In response to the defendants’ interrogatories, the plaintiffs often repeat the same phrase, that the defendants’ did not follow “best practices”. See Exhibit H.

that the defendants needed to install bullet-proof glass at the school entrance, or that the defendants failed to otherwise provide “adequate equipment and resources” to prevent the attack from occurring. Moreover, an expert would certainly be needed to opine on how any and all of these purported failures or breaches of the duty of care caused the plaintiffs’ decedents’ deaths during Lanza’s attack. That is because complex topics such as criminal deterrence, bullet proof glass, necessity of security personnel at an elementary school, propriety of school safety guidelines, and other associated topic areas are outside the ordinary knowledge and experience of judges and jurors.

Without the ability to prove their claims as to how the defendants were negligent, and without the guidance of an expert to explain to a judge and jury how the facts of that morning compare with the plaintiffs’ claims and the defendants’ standard of care with respect to the plaintiffs’ decedents, the plaintiffs’ allegations of negligence with respect to the defendants’ alleged conduct must fail for lack of requisite support as a matter of law.

III. CONCLUSION:

Based on the forgoing, the plaintiffs’ claims as to the defendants’ negligence cannot, as a matter of law, advance beyond the summary judgment stage. The plaintiffs’ complaint seeks to blame the plaintiffs’ loss on the very individuals who were also murdered by Lanza. While the defendants truly empathize with the feelings of loss suffered by the plaintiffs, a civil lawsuit seeking to hold the defendants liable by faulting school personnel, some of whom perished that day cannot continue as a matter of law.

To begin, the plaintiffs offer no competent evidence to establish their allegations of negligence. Moreover, the defendants are entitled to governmental immunity through Conn. Gen. Stat. § 52-557n (a)(2)(B) as the defendants’ employees’ conduct prior to and in the face of such a

trying crisis necessarily implicated the judgment and discretion of the teachers, staff, and administrators in trying to protect their students. Further, even if the other elements of negligence were established, the plaintiffs' claims are summarily removed from the causal chain by Lanza's own monstrous, intervening actions or are otherwise barred by Conn. Gen. Stat. § 52-557n(b)(6). Nor have they produced any experts to opine on how the evidence that is available demonstrates the defendants' alleged failure to comply with the applicable standard of care.

The defendants return to the language in Coley, when the court noted, "[t]he facts in the present case are undeniably tragic, and, understandably, the parties are left questioning whether anything more could have been done to prevent the realities that unfolded. It is, however, precisely because it can always be alleged, in hindsight, that a public official's actions were deficient that we afford limited governmental liability for acts that necessarily entailed the exercise of discretion."

Indeed, the circumstances in this case are perhaps among the most tragic events in this country's history. The defendants are not so heartless as to ignore the plaintiffs' immense suffering as a result of this tragedy. However, seeking to use hindsight to scrutinize the conduct of Soto, Rousseau, Hochsprung and others is legally deficient. Because this case cannot pass muster as a matter of law, allowing it to continue on any other grounds would simply prolong the suffering not only of the victims; families, but also for the families of Soto and Rousseau. Accordingly, and for the reasons stated herein, this Court must grant summary judgment in favor of the defendants.

DEFENDANTS,
TOWN OF NEWTOWN AND NEWTOWN
BOARD OF EDUCATION

By: _____/s/_____

Charles A. Deluca, Esq.
John W. Cannavino, Jr., Esq.
Thomas S. Lambert, Esq.
Ryan Ryan Deluca LLP
707 Summer Street
Stamford, CT 06901
Juris No. 052525
Phone: 203-357-9200

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2017, a copy of the above was mailed and/or e-mailed to the following counsel and pro se parties of record:

Donald A. Papcsy, Esq.
Papcsy Janosov Roche Trial Lawyers
53 East Avenue
Norwalk, CT 06851
*Attorney for Plaintiff Scarlett Lewis, as Administratrix, The Estate of Jesse Lewis,
Leonard Pozner, as Administrator, The Estate of Noah Pozner*

Monte E. Frank, Esq.
David L. Grogins, Esq.
Cohen and Wolf, P.C.
158 Deer Hill Avenue
Danbury, CT 06810
Attorney for Defendants, Town of Newtown and Newtown Board of Education

_____/s/_____
Charles A. Deluca, Esq.

S:\RyanSTI0408\LIT\DOCS\path.rtf
415.158

EXHIBIT A

A-211

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS ADMINISTRATRIX
AND NEIL HESLIN AS CO-
ADMINISTRATOR AND THE ESTATE OF
NOAH POZNER, LEONARD POZNER AS
ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

JUNE 30, 2017

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

AFFIDAVIT OF MARK POMPARO

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I was hired as Director of Security for the Newtown School System in 2008 and worked in that capacity during the time leading up to and through the incident of December 14, 2012.
4. In my role as Director of Security for the Newtown School System, I was responsible for developing and coordinating a system-wide safe schools initiative, encompassing a multi-disciplinary approach to school safety and security, emergency management, and the development of appropriate policies and procedures for the district.
5. In my role, I developed the Emergency Response Guidelines for the district which contain Lockdown Guidelines and Code Blue Guidelines. A copy of those Lockdown

A-212

Guidelines (page 1) and Code Blue Guidelines (page 2) are attached to this affidavit as Exhibit A.

6. I developed the content and have direct knowledge about the content and intent behind the Lockdown Guidelines and Code Blue Guidelines.
7. The Lockdown Guidelines and Code Blue Guidelines were approved by Janet Robinson, the District Superintendent.
8. The Lockdown Guidelines and Code Blue Guidelines were in place in 2012 at the Sandy Hook School.
9. As indicated in page 1 of Exhibit A, in order for a lockdown to be initiated, an announcement would need to be made over the school's public address system in the following manner: "May I have your attention please. Sandy Hook Elementary School is now in a lockdown."
10. A lockdown would be in place in the event that a general emergency situation existed.
11. If the announcement contained the term "Code Blue," the Code Blue guidelines would initiate.
12. As indicated in page 1 of Exhibit A, a Code Blue would be initiated if a threat existed inside the school building.
13. Moreover, as indicated in page 2 of Exhibit A, a Code Blue was the proper guideline to apply when an imminent emergency situation existed.
14. It was anticipated that the principal would be one to call a lockdown or Code Blue, or otherwise direct another staff member to initiate the lockdown or Code Blue notification.
15. Upon notification of a lockdown or Code Blue, teachers and staff were to, in their discretion, gather students in a classroom or securable room, as defined in the guidelines.

A-213

16. A diagram of the Sandy Hook Elementary School, attached hereto as "Exhibit B," is a true and accurate representation of the layout of the school as it was during 2012.
17. I have placed an "X" at the front entrance where Lanza entered the school.
18. I have highlighted in yellows, rooms #8, #9, and #10.
19. Rooms #8 and #10 were the first grade classes where Lanza entered and shot students and staff.
20. Room #9 was where the planning and placement team meeting was taking place prior to when Lanza entered the building.
21. The Lockdown Guidelines and Code Blue Guidelines were provided to give guidance to teachers when faced with potentially dangerous situation. District staff were to use their best judgment in deciding which steps would be appropriate to engage in under the circumstances.
22. Neither the Lockdown Guidelines nor the Code Blue Guidelines were ever intended or understood to direct staff to perform all listed tasks, in a particular order, in every emergency situation without the use of their own discretion.
23. Rather, these guidelines were meant to provide teachers and staff with steps which could be taken in their discretion to enhance the safety of the students and others.
24. The Lockdown Guidelines and Code Blue Guidelines were provided to school staff at the beginning of the school year and they were discussed with regular staff in a faculty meeting at the beginning of the school year.
25. A copy of the Lockdown Guidelines and Code Blue Guidelines were also kept in a black binder in the principal's office.

26. We also engaged in yearly lockdown drills to train the teachers and staff about the Guidelines. There was a drill performed at Sandy Hook School in March 2012.
27. I was present at that drill to ensure that the teachers and staff were appropriately trained and familiar with the concepts in the Guidelines.
28. In my role as Director of Security, I also conducted safety audits of the schools within the district.
29. A key to each classroom door at Sandy Hook School was provided to each teacher.
30. Substitute teachers had access to the keys to the classrooms where they were substituting via Substitute Folder and/or located in the classroom itself.
31. Sandy Hook School had in place a buzzer-camera entry system at its front entrance in 2012.
32. Each morning, the front entrance doors to the school were also locked.


Mark Pompano

Subscribed and sworn to before me on this day 27 of June 2017.

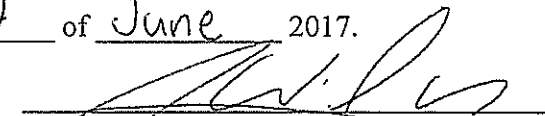

Commissioner of the Superior Court/
Notary Public

EXHIBIT A

To Pompano Affidavit

A.216

**NEWTOWN PUBLIC SCHOOLS
EMERGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF**

Confidential

Upon notification or personal observation that an emergency situation exists, it may become necessary for school administration to commence a "lockdown" at any one of our Newtown Public Schools. Generally, this order will be announced over the school's public address system. This order will be given in the following manner; "May I have your attention please. _____ School is now in a lockdown." However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth. This announcement may also contain the term **CODE BLUE**, which signifies that the threat is currently inside the school building (please see Page 2 for additional code blue information).

Note: With the exception of Newtown High School, all other Newtown Public Schools remain in a "Soft Lockdown" mode throughout the school day because they have buzzer-camera entry systems in place.

Upon notification of a "lockdown", teachers and support staff should promptly gather their students and those in the immediate vicinity, and escort them into a classroom or securable room (faculty restroom or other area) that can be locked and secured from the inside. If your classroom is directly near a student restroom, enter the restroom and take any students with you to your classroom or securable room. All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The only staff/support staff member permitted in the hallway or another non-securable location is the School Resource Officer and/or members of law enforcement (Newtown Police Department, CT State Police). All other staff members, including school security officers, administration, and custodians shall remain in a secure location throughout the duration of the lockdown.

Once inside a securable location, staff shall complete one or more of the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computers.
3. Cease all teaching activities for the duration of the lockdown.
4. Position students/occupants, and self away from "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if applicable).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear").

Staff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown.
- Move students/occupants into the kitchen area if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Staff members assigned/holding outdoor student activities (gym class, art, etc.) at the time that a lockdown order is given should not attempt to bring students inside. Staff members should pre-designate an outdoor location away from the main school building that can sufficiently afford students concealment and cover.

Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediate proximity.

EMERGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF

Lockdown-Code Blue Guidelines for Staff

Upon notification or personal observation that an immanent emergency situation exists, it may become necessary for school administration to commence a "Lockdown-Code Blue". Generally, this order will be announced over the school's public address system and be issued in the following manner; "May I have your attention please. "_____ School is now in Lockdown-Code Blue." Depending on circumstances however, the lockdown order may also be issued by telephone, two-way radio, and/or word of mouth.

Note: If the threat is NOT immanent (threat not on, or in close proximity to campus) a "Soft Lockdown" notification should be given and initiated.

Upon a Lockdown-Code Blue notification, staff should immediately gather students, and if not already, escort them inside a classroom or securable room that can be locked and secured from the inside. In addition to classrooms and offices, most faculty lavatory doors can be locked from the inside. If your classroom is immediately adjacent to a student lavatory, you should quickly check the lavatory and escort any students found to your classroom or securable room.

All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The ONLY persons permitted in hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are law enforcement officers from the Newtown Police Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.

Once inside a securable location, staff members should complete the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computer monitors.
3. Cease all teaching activities for the duration of the Lockdown-Code Blue.
4. Position students and yourself away from the "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if available).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear" or "Code Word").

Staff members assigned to the Cafeteria during a Lockdown-Code Blue should perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown, if possible.
- Move students/occupants into the kitchen area, if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Note: Students in the cafeteria during a Lockdown-Code Blue should not be escorted or sent back to their classrooms.

Staff members assigned to outdoor student activities (Physical Education, Art, etc.) at the time a Lockdown-Code Blue order is issued should not attempt to bring students back inside the building. Instead, staff members should pre-designate an outdoor location away from the main school building that affords students and staff with adequate concealment and cover.

EXHIBIT B

To Pompano Affidavit

August 27, 2012



EXHIBIT B

A.221

**NEWTOWN PUBLIC SCHOOLS
EMERGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF**

Confidential

Upon notification or personal observation that an emergency situation exists, it may become necessary for school administration to commence a "lockdown" at any one of our Newtown Public Schools. Generally, this order will be announced over the school's public address system. This order will be given in the following manner; "May I have your attention please. _____ School is now in a lockdown." However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth. This announcement may also contain the term **CODE BLUE**, which signifies that the threat is currently inside the school building (please see Page 2 for additional code blue information).

Note: With the exception of Newtown High School, all other Newtown Public Schools remain in a "Soft Lockdown" mode throughout the school day because they have buzzer-camera entry systems in place.

Upon notification of a "lockdown", teachers and support staff should promptly gather their students and those in the immediate vicinity, and escort them into a classroom or securable room (faculty restroom or other area) that can be locked and secured from the inside. If your classroom is directly near a student restroom, enter the restroom and take any students with you to your classroom or securable room. All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The only staff/support staff member permitted in the hallway or another non-securable location is the School Resource Officer and/or members of law enforcement (Newtown Police Department, CT State Police). All other staff members, including school security officers, administration, and custodians shall remain in a secure location throughout the duration of the lockdown.

Once inside a securable location, staff shall complete one or more of the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computers.
3. Cease all teaching activities for the duration of the lockdown.
4. Position students/occupants, and self away from "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if applicable).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear").

Staff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown.
- Move students/occupants into the kitchen area if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Staff members assigned/holding outdoor student activities (gym class, art, etc.) at the time that a lockdown order is given should not attempt to bring students inside. Staff members should pre-designate an outdoor location away from the main school building that can sufficiently afford students concealment and cover.

Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediate proximity.

EMEGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF

Lockdown-Code Blue Guidelines for Staff

Upon notification or personal observation that an immanent emergency situation exists, it may become necessary for school administration to commence a "Lockdown-Code Blue". Generally, this order will be announced over the school's public address system and be issued in the following manner; "May I have your attention please. "_____ School is now in Lockdown-Code Blue." Depending on circumstances however, the lockdown order may also be issued by telephone, two-way radio, and/or word of mouth.

Note: If the threat is NOT immanent (threat not on, or in close proximity to campus) a "Soft Lockdown" notification should be given and initiated.

Upon a Lockdown-Code Blue notification, staff should immediately gather students, and if not already, escort them inside a classroom or securable room that can be locked and secured from the inside. In addition to classrooms and offices, most faculty lavatory doors can be locked from the inside. If your classroom is immediately adjacent to a student lavatory, you should quickly check the lavatory and escort any students found to your classroom or securable room.

All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The ONLY persons permitted in hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are law enforcement officers from the Newtown Police Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.

Once inside a securable location, staff members should complete the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computer monitors.
3. Cease all teaching activities for the duration of the Lockdown-Code Blue.
4. Position students and yourself away from the "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if available).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear" or "Code Word").

Staff members assigned to the Cafeteria during a Lockdown-Code Blue should perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown, if possible.
- Move students/occupants into the kitchen area, if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Note: Students in the cafeteria during a Lockdown-Code Blue should not be escorted or sent back to their classrooms.

Staff members assigned to outdoor student activities (Physical Education, Art, etc.) at the time a **Lockdown-Code Blue** order is issued should not attempt to bring students back inside the building. Instead, staff members should pre-designate an outdoor location away from the main school building that affords students and staff with adequate concealment and cover.

EXHIBIT C

A.224

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS ADMINISTRATRIX
AND NEIL HESLIN AS CO-
ADMINISTRATOR AND THE ESTATE OF
NOAH POZNER, LEONARD POZNER AS
ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

JUNE 30, 2017

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

AFFIDAVIT OF KRIS FEDA

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I have been an employee of the Newtown Board of Education for 31 years as a classroom teacher and math/science specialist.
4. I taught at Sandy Hook School for 20 years prior to the incident of December 14, 2012.
5. At the time of the incident, I was a member of the Sandy Hook School Crisis Team.
6. The members of the Crisis Team were the Principal, Head Custodian, Nurse, School Psychologist, the Reading Specialist, the Math Specialist, the Lead Teacher, and the Secretary.
7. At the start of the year, we met and reviewed what the various drills (fire, lockdown, evacuation) were and how they would be performed.

A-225

8. We went over the guidelines for each drill and the codes used to indicate that a drill was to be enacted.
9. The Lockdown Guidelines required a code to be communicated in order to trigger the enactment of the Lockdown drill.
10. The drill guidelines were communicated to the teachers at the first faculty meeting of the year.
11. The Principal Dawn Hochsprung led the training at the beginning of the 2012 school year and she also trained the staff to use common sense and to do what the staff thought was right under the circumstances in an emergency.
12. I was present at the training in 2012 at the faculty meeting.
13. Building substitutes were invited to attend the initial faculty meeting at the start of the year.
14. Every classroom at Sandy Hook School had the red Emergency Response plan in a plastic folder with a key to the classroom door.
15. On the morning of December 14, 2012, I was at Sandy Hook School.
16. At approximately 9:30 AM, I was in Conference Room #9 for a planning and placement team meeting.
17. I heard gunfire from the lobby area adjacent to the conference room.
18. In the room with me was Dawn Hochsprung (principal), Mary Sherlach (psychologist), Dawn Ford (teacher), Natalie Hammond (lead teacher), Kelly MacLaren (Special Ed teacher), Becky Virgalla (Language arts specialist), Diane Day (occupational therapist) and a parent of a student.

A-226

19. Immediately upon the sound of the gunfire, Dawn Hochsprung., Mary and Natalie left the room to investigate. They closed the door behind them. The rest of the staff took cover in the room.
20. Dawn and Mary were shot and killed.
21. Natalie returned to Room 9 and had bullet wounds in her left leg and left hand. Rapid fire continued proceeding down the hallway.
22. I, along with everyone else inside the room, stayed until police arrived.
23. When responders arrived, they helped Natalie and we were told to stay in the room until they returned. When they came back we were escorted out.
24. At no point during the incident was a code called over the loudspeaker for the school to go into lockdown.

Kristine Feda
Kris Feda

Subscribed and sworn to before me on this day 26 of June 2017.

[Signature]
Commissioner of the Superior Court
Notary Public

EXHIBIT D

A-228

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS ADMINISTRATRIX
AND NEIL HESLIN AS CO-
ADMINISTRATOR AND THE ESTATE OF
NOAH POZNER, LEONARD POZNER AS
ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

JUNE 30, 2017

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

AFFIDAVIT OF NATALIE HAMMOND

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I have been an employee of the Newtown Board of Education as a teacher.
4. I taught at Sandy Hook Elementary School as the Lead Teacher.
5. Prior to the incident of December 14, 2012, I had been at Sandy Hook Elementary School for 14 years.
6. At the time of the incident, I was a member of the Sandy Hook School Crisis Team.
7. As a member of the Sandy Hook School Crisis Team, I was familiar with the emergency responses and drills.
8. At the start of each year, we met and reviewed what the various drills (fire, lockdown, evacuation) were and how they would be performed.

A-229

9. We went over the guidelines for each drill and the codes used to indicate a that a drill was to be enacted.
10. The Lockdown Guidelines required a code to be communicated in order to trigger the enactment of the Lockdown drill.
11. The drill guidelines were communicated to the teachers at the first faculty meeting of the year.
12. The Principal Dawn Hochsprung led the training at the beginning of the 2012 school year and she also trained the staff to use common sense and to do what the staff thought was right under the circumstances in an emergency.
13. I was present at the training in 2012 at the faculty meeting.
14. Building substitutes attended the initial faculty meeting.
15. Every classroom at Sandy Hook School had the red Emergency Response plan in a plastic folder with a key to the classroom door.
16. On the morning of December 14, 2012, I was at Sandy Hook School.
17. At approximately 9:30 AM, I was in Conference Room #9 for a special education team meeting.
18. Right after the meeting started, I heard a loud banging noise.
19. Principal Hochsprung and Psychologist Mary Sherlach immediately ran out of Room 9.
20. I exited Room #9 behind them.
21. We ran left down the hallway towards the main office where the banging was coming from.
22. I was approximately 10 to 15 feet behind Principal Hochsprung and Psychologist Sherlach when I observed the gunman fire several shots and they fell to the ground.

23. I was struck in the lower left leg and the left hand.

24. I crawled back into Room 9 and closed the door behind me. I held the door closed for as long as I could.

25. The shooting continued down the hallway and lasted approximately five minutes.

26. We stayed in Room 9 until the police arrived.

27. At no point during the shooting was the code for a lockdown called.

Natalie Hammond
Natalie Hammond

Subscribed and sworn to before me on this day 26 of June 2017.

[Signature]
Commissioner of the Superior Court
Notary Public

EXHIBIT E

A.232

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS ADMINISTRATRIX
AND NEIL HESLIN AS CO-
ADMINISTRATOR AND THE ESTATE OF
NOAH POZNER, LEONARD POZNER AS
ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

JUNE 30, 2017

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

AFFIDAVIT OF KATHRYN CUNNINGHAM

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I was a teaching intern at Sandy Hook at the time of the incident of December 14, 2012.
4. At the beginning of the 2012 school year, I started an internship at the school.
5. When I began at Sandy Hook School, I was trained on the Emergency Response Guidelines, including the Lockdown Guidelines.
6. I attended the beginning of the year faculty meeting, which is where we received this training.
7. The Principal Dawn Hochsprung was safety conscious and performed the training.
8. Principal Hochsprung trained everyone to use their common sense, to follow the guidelines to the extent possible, depending on the circumstances.

A-233

9. I was filling in for a kindergarten class in Classroom 1 as a substitute on the date in question.
10. Also with me in the classroom was Deborah Pisani, a paraprofessional, and Kim Wise, a behavioral therapist.
11. I was provided a planbook, which was teaching plans for the day, as well as the subfolder and a key.
12. Around 9:30 the children were supposed to transition to their tables to begin working when I heard noises, specifically banging sounds like someone kicking a door.
13. Ms. Pisani went to check on the sound, and immediately while in the hallway was shot in the foot.
14. When she left, she left the door open behind her, but returned very quickly having just been shot.
15. I gathered the children into the corner of the classroom.
16. There was not enough time to go lock the door once the shooting started.
17. After the shooting stopped, the police came in and took the children and us out the back.


KATHRYN CUNNINGHAM

Subscribed and sworn to before me on this day 27 of June 2017.

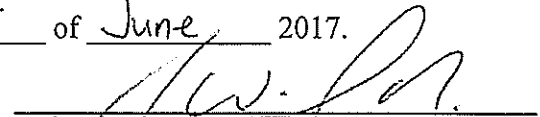

Commissioner of the Superior Court/
Notary Public

EXHIBIT F

A.235

D.N. DBD-CV15-6016722-S

SUPERIOR COURT

THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS ADMINISTRATRIX
AND NEIL HESLIN AS CO-
ADMINISTRATOR AND THE ESTATE OF
NOAH POZNER, LEONARD POZNER AS
ADMINISTRATOR

J.D. OF DANBURY

AT DANBURY

JUNE 30, 2017

v.

THE TOWN OF NEWTOWN AND
NEWTOWN BOARD OF EDUCATION

AFFIDAVIT OF RICHARD THORNE, JR.

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I was a custodian at Sandy Hook Elementary School at the time of the incident of December 14, 2012.
4. Though I normally worked the night shift, I was working the day shift at the school on the date in question.
5. At roughly 9:35 AM, I was in the custodian office when I heard a noise coming from the front of the school sounding like a metal pipes hitting the floor.
6. I then ran to front lobby, taking my school cell phone out to call 9-1-1 simultaneously, which connected at 9:35:39 AM.
7. When I got to the corner, I saw bullet holes in glass in front of me.
8. I then told the 9-1-1 dispatcher that shots were being fired at the school.

A-236

9. The dispatcher asked how many shooters so I went back down the hall while still on the phone with 9-1-1.
10. I stayed on the line with the dispatcher until the police arrived.
11. At the time of the shooting, I advised a teacher, Abbey Clements, who was walking with a student down the hallway toward the lobby, to get into a classroom.
12. The hallway Abbey Clements was in was not the hallway with the shooter.
13. During this brief time, I cleared the hallway of the staff and students.
14. While on the phone with the 9-1-1 dispatcher, the final gunshots that I heard took place 9:40 AM.
15. From the time of my phone call to 9-1-1 dispatch to the time of the last gun shot, less than five minutes had elapsed.


RICHARD THORNE, JR.

Subscribed and sworn to before me on this day 29 of June 2017.

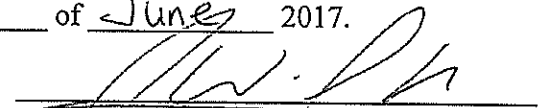
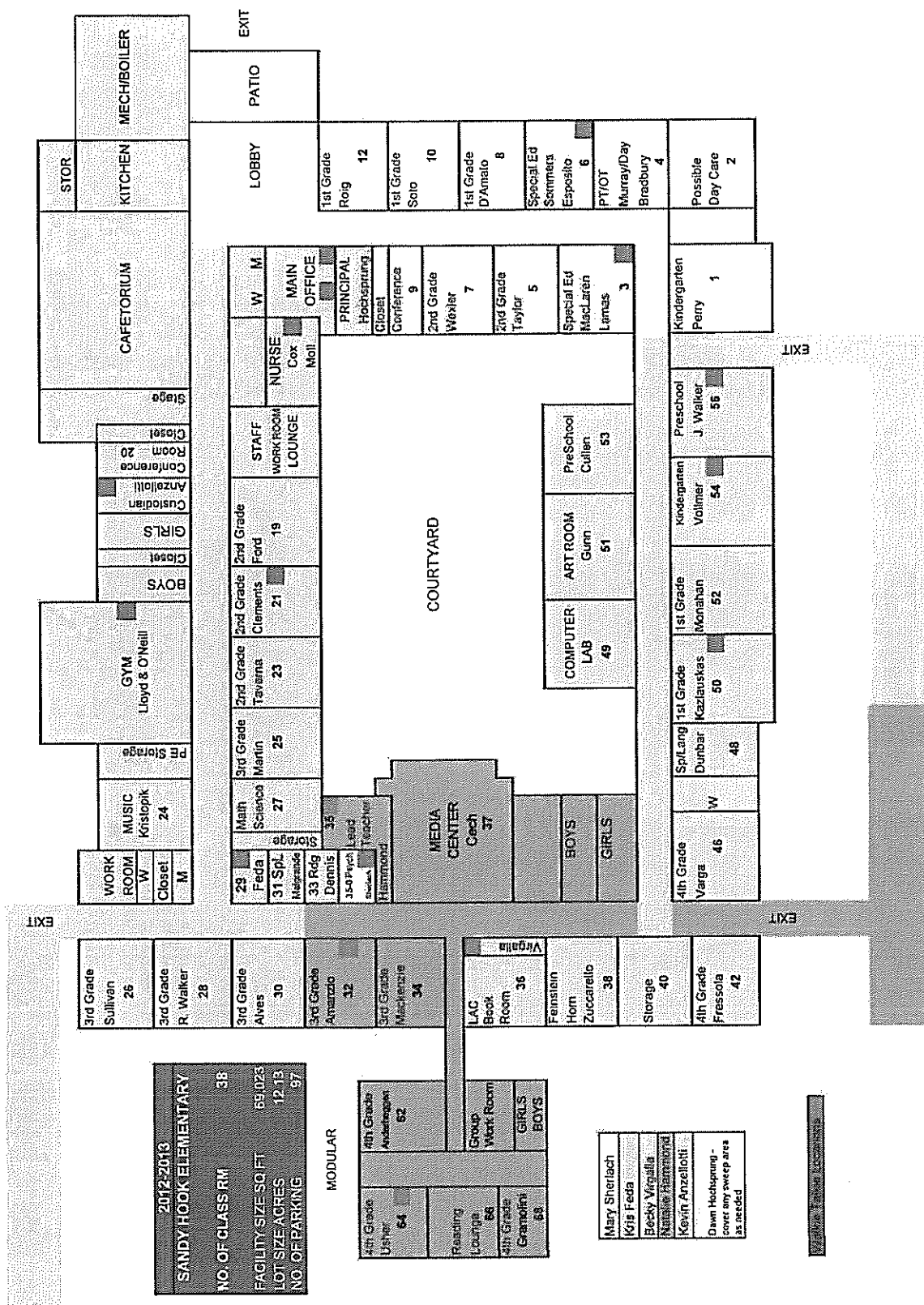

Commissioner of the Superior Court
Notary Public

EXHIBIT G

A-238

SANDY HOOK SCHOOL EMERGENCY DRILL SWEEP AREAS AND EVACUATION ROUTES



A-239

EXHIBIT H

A.240

D.N. DBD-CV15-6016722-S

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and

THE ESTATE OF NOAH POZNER,
LEONARD POZNER AS ADMINISTRATOR

v.

THE TOWN OF NEWTOWN and
NEWTOWN BOARD OF EDUCATION

SUPERIOR COURT

J.D. OF DANBURY

AT DANBURY

NOVEMBER 2, 2015

**PLAINTIFF'S SUPPLEMENTAL COMPLIANCE WITH DEFENDANTS'
INTERROGATORIES and REQUESTS FOR PRODUCTION**

Pursuant to Practice Book § 13-7, et seq., Plaintiff, The Estate of JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS ADMINISTRATOR, hereby gives notice that he has, on the date hereon, complied with, or objected to, the Defendants' Interrogatories and Requests for Production, served by the Defendants on or about April 24, 2015:

A. BY WAY OF INTERROGATORIES:

1. Please identify the individual answering these interrogatories on behalf of the Estate of Jesse Lewis.

ANSWER: Scarlett Lewis

1. Please identify any documents referenced in preparation of these answers.

A-241

ANSWER: Pursuant to the court's orders, we will reference the documents we rely except to the extent that they have been provided to us by any experts whom we have consulted. .

In answer to the question, we have specifically relied on the Connecticut State Police Reports regarding the incident, the Governors Task Force on the Sandy Hook tragedy, newspaper reports, and on the investigation and documents laying out the security protocols provided to us (to date) through the discovery process by the defendants.

1. Please identify the "school safety policies and procedures which left no area for discretion," as referenced in paragraphs 7 of the First and Second Count of the Complaint.

ANSWER: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "lock-down" plan(s), as referenced in paragraphs 7, 9, and 12 of First Count and paragraphs 7 and 9 of the Second Count of the Complaint, and for each plan(s), please state:
 - a. The date on which the plan was "previously practiced," as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - b. The circumstances under which the plan was "previously practiced," as referenced in paragraphs 7 of the First and Second Count of the Complaint; and
 - c. The source of your information that the "lock-down" plan was previously practiced.

ANSWER: Based on the information provided by the defendants in their discovery

A.242

responses, we now have documented that drills to lockdown SHES were performed periodically; that an Incident System Command Team would periodically meet to discuss these issues; and that there was an Emergency Response Team that would periodically meet to discuss issues of preparing for an intruder and meeting the requirements of best practices in securing the safety of children and staff at SHES.

This answer will be supplemented when and if depositions of members of these groups uncover greater detail as to the exact items discussed at these meetings or deficits uncovered during drills and repaired or not repaired subsequently.

1. Please identify the "evacuation" plan(s), as referenced in paragraphs 7, 9 and 12 of the First Count and paragraphs 7 and 9 of the Second Count of the Complaint, and for each plan(s) please state:
 - a. The date on which the plan was "previously practiced," as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - b. The circumstances under which the plan was "previously practiced," as referenced in paragraphs 7 of the First and Second Counts of the Complaint; and
 - c. The source of your information that the "evacuation" plan was previously practiced.

ANSWER: Based on the information provided by the defendants in their discovery responses, we now have documented that drills to lockdown and/or evacuate SHES were performed periodically; that an Incident System Command Team would periodically meet to discuss these issues; and that there was an Emergency Response Team that would periodically meet to discuss issues of preparing for an intruder and meeting the requirements of best practices in securing the safety of children and staff at SHES.

This answer will be supplemented when and if depositions of members of these groups uncover greater detail as to the exact items discussed at these meetings or deficits uncovered during drills and repaired or not repaired subsequently.

1. Please identify the "safety protocols," as referenced in paragraphs 8 and 30h of the First Count and paragraphs 8 and 31h of the Second Count of the Complaint, and for each response, please identify, with specificity:
 - a. The "information, tools, and training," as referenced in paragraphs 8 of the First and Second Counts of the Complaint, which were necessary to properly implement said safety protocols.

A:243

ANSWER: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify all facts in support of your allegations in paragraph 9 of the First Count that the Board failed to provide the teachers in classrooms 9 and 10 with a key to lock the classroom door.

ANSWER: The doors to both first grade classrooms could not be secured from the inside. As a result, teachers could not protect their students during a threat by locking down the classroom. The classrooms were in fact not secured on the date of the incident and the shooter Lanza gained easy access to both classrooms. Upon information and belief, the only way to lock the doors to these two classrooms would have required a teacher to open the door to the threat outside and then it locking it with a key from the outside. It is our information gleaned from the Task Force Report, hearsay information from those who were apart of the investigation, and from the CT State Police Investigation that the teachers in one of the classrooms was not provided a key to the door, and not trained in lockdown or how to secure lock the door; and that the teachers in the other classroom did not have a key because it was kept in the main office.

In sum, best practices required that teachers be able to lock the classroom from the inside. The teachers had neither the ability to do this or even to lock from the outside-an inherently unsafe method of securing the children as it exposes the children to further risk, and even if a key was available immediately, this process is well outside best practices during lockdown, and puts the teacher in the untenable position of locating a key well outside the classroom and having to open the door and place herself in the hallway to do so.

A.244

1. Please identify all facts to support your claim that there was a "ministerial duty of implementing the safety protocols," as referenced in paragraphs 9 of the First and Second Counts of the Complaint.

ANSWER: Best practices and the rules implemented by Newtown contain no room for teachers, or administrators to fail to provide secure entranceways; full training of staff or immediate securing and locking of classrooms upon a threat being perceived. These rules and best practices as adopted by the defendants and represented as applying in this case also give no room for discretion of staff and administrators to leave children unsecured in their classrooms during a real or perceived threat. There is no best practice that allows insecure classrooms; a lack of locks on doors; a lack of available keys to lock the doors; insecure entranceways; or staff discretion to decide not to lockdown the classrooms.

1. Please state when exactly "the intruder's presence became unmistakably known," as referenced in paragraph 9 of the First Count of the Complaint, and all facts upon which you base this allegation.

ANSWER:

Based on the CT Police Investigation, witnesses immediately heard the gunshots and/or glass breakage and/or screams when Lanza first began to shoot out the entranceway window. This will require further discovery by way of deposition.

1. Please identify all facts to support your claim that there was a "ministerial duty of locking down the school and evacuating students," as referenced in paragraphs 10 of the First and Second Counts of the Complaint.

ANSWER:

See all answers previously provided including in most detail the answer to #8. We are not claiming that the classrooms should have been evacuated so this duty is not at issue in the case.

1. Please describe in detail the "ministerial duty of locking down the school," as referenced in paragraph 10 of the First Count of the Complaint, and the source of this alleged ministerial duty.

ANSWER:

See all answers previously provided including in most detail the answer to #8. We are not claiming that the classrooms should have been evacuated so this duty is not at issue in the

A-245

case.

1. Please identify the "school lock-down" plan(s), as referenced in paragraphs 11 of the First and Second Counts of the Complaint.

ANSWER:

See all answers previously provided. The defendants in particular followed best practices, and had the rules regarding lockdown as previously noted above.

1. Please identify the "necessary tools," as referenced in paragraphs 12 of the First and Second Counts of the Complaint.

ANSWER:

Necessary tools include a physical plan that is capable of preventing intruders from gaining easy access. This includes entranceways that meet best practices do not allow people like Lanza to quickly gain access. Further best practices require a physical plan that can actually perform the task of securing classrooms. This includes doors easily locked from the inside and if a key is needed, keys that are provided to staff to lock the classrooms from the inside. It also includes a mechanism for training substitute teachers, and if keys are required a place for teachers to easily access keys within the classroom. It also requires that drills identify defects and have a mechanism to remedy those defects reasonably swiftly.

1. Please identify the "security and safety guidelines" as referenced in paragraphs 12 and 31 of the First Count and paragraph 12 of the Second Count of the Complaint.

ANSWER:

This question was repeatedly answered in full above. But it will be repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard

A-246

promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "key components" as referenced in paragraph 12 of the First Count of the Complaint.

ANSWER:

This question was answered above. See # 13

1. Please identify the "plan," as well as the "details and proscriptions of this plan," as referenced in paragraph 13 the First Count of the Complaint, and how this plan left no discretion to the teachers or employees at Sandy Hook Elementary School.

ANSWER:

This question was answered above but is repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "safety procedures" referenced in paragraph 14 of the First Count the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school

A.247

entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "internal policies" referenced in paragraph 14 of the First Count and paragraph 15 of the Second Count the Complaint, including:
 - a. The author and/or source of the policies, specifically the "internal handbooks, policies, procedures, and other codified rules and regulations," as referenced in paragraph 14 of the First Count and paragraph 15 of the Second Count of the Complaint.

ANSWER:

The plaintiffs refer to the following: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired. The defendants have claimed in their responses that the Safety Director followed the best practices at the time of the incident. This represents an internal policy of the school based on the defendants' answers.

A.248

1. Please identify the "safety policy" referenced in paragraph 15 of the First Count the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "lock-down or evacuation procedures" as referenced in paragraphs 26, 30, and 30c of the First Count and paragraphs 27 and 31c of the Second Count of the Complaint.

ANSWER:

The plaintiffs are not claiming an evacuation should have been performed so we do not address that part of the question and will revise our complaint to make this clear. Relevant to the claims being pursued, the best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

A-249

1. Please identify the “security and safety protocols” as referenced in paragraph 27 of the First Count and paragraph 28 of the Second Count of the Complaint, and:
 - a. when these protocols were “recently rehearsed,” as alleged in paragraph 27 of the First Count and paragraph 28 of the Second Count of the Complaint; and
 - b. The source of your information that the “security and safety protocols” were recently rehearsed.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the “staff and employees” of the board of education who you allege “negligently left the staff of THE SANDY HOOK ELEMENTARY SCHOOL in a position where it could not adhere to the mandatory safety policies and procedures,” as referenced in paragraph 30 of the First Count of the Complaint.

ANSWER:

We do not know the names of all administrators who failed to identify and remedy the defects alleged in our complaint but they would include the BOE, the superintendent, members of the emergency preparedness team and the safety/security director. These were all persons who acted as agents for the defendants.

1. Please identify the “mandatory safety policies and procedures” as referenced in paragraph 30 of the First Count and paragraph 31 of the Second Count of

the Complaint.

ANSWER:

Mandatory is another way of saying that the best practices and lockdown procedures at SHES left no discretion. This question was answered above but is repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "lock-down portion of the safety protocols," as referenced in paragraph 30a of the First Count of the Complaint.

ANSWER:

There is a section of the Emergency Plan provided by the defendants caption Lockdown. That and the adoption of a best practice standard by the safety and security director define that allegation.

1. Please identify the "lock down procedure" referenced in paragraph 30d of the First Count of the Complaint.

ANSWER:

See #24 above for answer.

1. Please identify the specific individuals you mean by "they" at the beginning of paragraphs 30a through 30h, respectively, of the First Count of the Complaint.

ANSWER:

The defendants and their agents servants and employees. We were not referringg any single person in that allegation.

1. Please identify and describe any and all specific duty or duties that form the basis of your allegations in paragraph 30e of the First Count of the Complaint.

A-251

ANSWER:

Best practices and the rules implemented by Newtown contain no room for teachers, or administrators to fail to provide secure entranceways; full training of staff or immediate securing and locking of classrooms upon a threat being perceived. These rules and best practices as adopted by the defendants and represented as applying in this case also give no room for discretion of staff and administrators to leave children unsecured in their classrooms during a real or perceived threat. There is no best practice that allows insecure classrooms; a lack of locks on doors; a lack of available keys to lock the doors; insecure entranceways; or staff discretion to decide not to lockdown the classrooms.

Notwithstanding the above, the question of duty is best left to experts and to the court who will instruct the trier of fact on legal duties.

1. Please identify all facts in support of your claim that there is a "mandated requirement" for the "locking of the school doors," referenced in paragraph 30f of the First Count of the Complaint.

ANSWER:

Best practices and the rules implemented by Newtown contain no room for teachers, or administrators to fail to provide secure entranceways; full training of staff or immediate securing and locking of classrooms upon a threat being perceived. These rules and best practices as adopted by the defendants and represented as applying in this case also give no room for discretion of staff and administrators to leave children unsecured in their classrooms during a real or perceived threat. There is no best practice that allows insecure classrooms; a lack of locks on doors; a lack of available keys to lock the doors; insecure entranceways; or staff discretion to decide not to lockdown the classrooms.

1. Please identify the "guidelines regarding school safety" referenced in paragraph 30g of the First Count and paragraph 31g of the Second Count of the Complaint and explain in detail how "they" failed to follow these guidelines.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

A.252

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please explain in detail the “equipment and training to the staff and personnel” the defendant allegedly failed to provide, as referenced in paragraph 30g of the First Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the “lock-down and evacuation security plan,” as referenced in paragraph 30g of the First Count of the Complaint.

ANSWER:

This has been repeatedly answered above but is repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the “policies and procedures for a lock-down and evacuation,” referenced in paragraph 30h of the First Count and paragraph 31h of the Second Count of the Complaint, and:
 - a. All facts you rely upon to support your claim that teachers and staff were left with no discretion for the implementation of each policy and/or procedure.

ANSWER:

Best practices and the rules implemented by Newtown contain no room for teachers, or administrators to fail to provide secure entranceways; full training of staff or immediate securing and locking of classrooms upon a threat being perceived. These rules and best practices as adopted by the defendants and represented as applying in this case also give no room for discretion of staff and administrators to leave children unsecured in their classrooms during a real or perceived threat. There is no best practice that allows insecure classrooms; a lack of locks on doors; a lack of available keys to lock the doors; insecure entranceways; or staff discretion to decide not to lockdown the classrooms.

1. Please identify with specificity “the proper equipment, building security, and training” the defendants allegedly failed to provide, as referenced in paragraph 30h of the First Count and paragraph 31h of the Second Count of the Complaint.

ANSWER:

This question was answered above but is repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the

A-254

entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the “mandatory security guidelines,” as referenced in paragraphs 30i and 30j of the First Count and paragraphs 31i and 31j of the Second Count of the Complaint.

ANSWER:

Mandatory is another way of saying that the best practices and lockdown procedures at SHES left no discretion. This question was answered above but is repeated here: The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify with specificity the “equipment and resources” the defendant allegedly failed to provide, as referenced in paragraph 30i and 30j of the First Count and 31i and 31j of the Second Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their

classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify with specificity “the necessary equipment and training” the defendant allegedly failed to provide, as referenced in paragraph 31 of the First Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the “details of the...ministerial plan” that were “reduced to writing and hung on the inside of the classrooms” as referenced in paragraph 13 of the Second Count of the Complaint, and:
 - a. All facts that support the claim that the plan was hung in the classrooms;
and
 - b. The source of your information that the plan was hung in the classrooms.

ANSWER:

This is based upon information and belief and from sources who are privileged. Further discovery will hopefully substantiate this allegation which we have a good faith reason to

A.256

believe to be true, but which is not in the end critical to our claims. The content of these notices is not we understand different then the rules promulgated by the defendants and provided during discovery.

1. Please identify with specificity the "training, supervision, and equipment" the defendant allegedly failed to provide "to implement said security procedures," as referenced in paragraph 13 of the Second Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the specific individuals you mean by "they" at the beginning of paragraphs 31a through 31h, respectively, of the Second Count of the Complaint.

ANSWER: The Town of Sandy Hook and the Board of Education of the Town of Sandy Hook.

1. Please identify and describe any and all specific duty or duties that form the basis of your allegations in paragraph 31e of the Second Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school

entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify all facts in support of your claim that there is a “mandated requirement” for the “locking of the school doors,” referenced in paragraph 31f of the Second Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please explain in detail the “equipment and training to the staff and personnel” the defendant allegedly failed to provide, as referenced in paragraph 31g of the Second Count of the Complaint.

A-258

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

1. Please identify the "proscribed protocols," as referenced in the paragraph labeled "31" but in actuality is the 32nd paragraph of the Second Count of the Complaint.

ANSWER:

The best practices referred to by the defendant in its discovery responses require at a minimum that schools such as SHES 1) provide best practice glass and barriers at school entrance ways to prevent outside threats from gaining easy access; 2) provide teachers and staff with means to close safely lock classrooms when a threat exists; 3) provide the locks and equipment within the physical plan that allow for classrooms to be secured during a lockdown; 4) provide for training and drills that disclose defects and have a procedure for reporting and repairing any security lapses required; and 5) that teachers including substitute teachers be given all training and tools necessary to secure their classrooms.

The Emergency Response Plan, Incident Command System and the best practice standard promulgated by the defendants at SHES also required that teachers and administrators be able to lockdown and secure their classrooms during a perceived or actual threat; that the entranceways be secure during school hours; that all staff be trained and have the tools necessary to secure their classrooms; that drills be done to uncover defects in the lockdown procedure; and that defects be identified and repaired

A-259

1. Please identify all expert witnesses whom you intend to call to testify at the time of trial. For each witness, state:
 - a. The subject matter on which each expert is expected to testify;
 - b. The substance of the facts and opinions to which each expert is expected to testify; and
 - c. The summary of the grounds for each opinion.

Objection: These will be provided when required by the court and rules of practice

B. BY WAY OF PRODUCTION:

The defendant hereby requests that you provide copies of the documents described in the following requests for production:

1. Please provide a copy of any and all documents identified in response to Interrogatory No. 2.

ANSWER:

Without having done any formal discovery by way of deposition and without disclosing materials provided by experts, we rely on no materials other than those already provided by the defendants or from the Governors Task Force or from the Connecticut State Police.

1. Please provide a copy of any and all "school safety policies and procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 3.

ANSWER:

A-260

same as 1

1. Please provide a copy of any and all "lock-down" plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 4.

ANSWER:

same as 1

1. Please provide a copy of any and all "evacuation" plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 5.

ANSWER:

same as 1

1. Please provide a copy of any and all "safety protocols" used as a basis for this complaint, as identified in response to Interrogatory No. 6.

ANSWER:

same as 1

1. Please provide a copy of any and all "school lock-down" plan(s) used as a basis for this complaint, as identified in response to Interrogatory No. 12.

ANSWER:

same as 1

1. Please provide a copy of any and all "security and safety guidelines" used as a basis for this complaint, as identified in response to Interrogatory No. 14.

ANSWER:

same as 1

1. Please provide a copy of any and all "safety procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 17.

ANSWER:

same as 1

A-261

1. Please provide a copy of any and all "internal policies" used as a basis for this complaint, as identified in response to Interrogatory No. 18.

ANSWER:

same as 1

1. Please provide a copy of any and all "safety polic[ies]" used as a basis for this complaint, as identified in response to Interrogatory No. 19.

ANSWER:

same as 1

1. Please provide a copy of any and all "lock-down or evacuation procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 20.

same as 1

1. Please provide a copy of any and all "security and safety protocols" used as a basis for this complaint, as identified in response to Interrogatory No. 21.
same as 1

1. Please provide a copy of any and all "mandatory safety policies and procedures" used as a basis for this complaint, as identified in response to Interrogatory No. 23.

same as 1

1. Please provide a copy of the "lock-down portion of the safety protocols" used as a basis for this complaint, as identified in response to Interrogatory No. 24.

same as 1

1. Please provide a copy of any and all "guidelines regarding school safety" used as a basis for this complaint, as identified in response to Interrogatory No. 30.

same as 1

1. Please provide a copy of the "lock down procedure" used as a basis for this complaint, as identified in response to Interrogatory No. 25.

A-262

same as 1

1. Please provide a copy of any and all "lock-down and evacuation security plan[s]" used as a basis for this complaint, as identified in response to Interrogatory No. 31.

same as 1

1. Please provide a copy of any and all "mandatory security guidelines" used as a basis for this complaint, as identified in response to Interrogatory No. 34.

same as 1

1. Please provide a copy of all materials produced or relied upon by any expert referenced or identified in response to Interrogatory No. 44.

same as 1

1. Please provide a copy of any and all reports prepared by any expert whom you intend to call to testify at the time of trial.

We will provide documents from experts when required by the court and practice rules.

THE PLAINTIFF,
THE ESTATE OF JESSE LEWIS,
SCARLETT LEWIS AS
ADMINISTRATRIX

By: 

Donald A. Papcsy, Esq.
Papcsy Janosov Roche
53 East Avenue
Norwalk, CT 0851
Juris No. 428746
Phone No. 203.642.3888

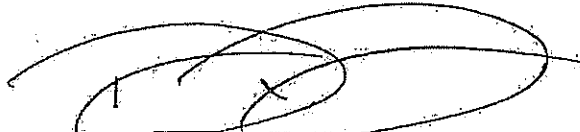
A-263

CERTIFICATE OF SERVICE

I hereby certify that on the date hereon, a copy of the above was mailed to the following counsel and pro se parties of record:

Thomas S. Lambert, Esq.
Ryan Ryan Deluca, LLP
707 Summer St.
Stamford, CT 06901
Attorney for Defendants, Town of Newtown and the Newtown Board of Education

Monte Frank, Esq.
Cohen and Wolf (Danbury)
158 Deer Hill Avenue
Danbury, CT 06810
Attorney for Defendants, Town of Newtown and the Newtown Board of Education



Donald A. Papcsy, Esq.

\\ryanfs02\data\processes\415.158\First Set of Interrogatories and Production Requests on Plaintiff.docx

415.158

A-264

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: NOVEMBER 1, 2017

OBJECTION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Connecticut Practice Book §17-45, the Plaintiffs in this matter hereby object to the Defendants', THE TOWN OF NEWTOWN, and THE NEWTOWN BOARD OF EDUCATION'S Motion for Summary Judgment to as it pertains to all the claims set forth by the Plaintiffs in the operative complaint. First and foremost, the Defendants fail to adequately attach evidence to support a claim for Summary Judgment as to all of the Plaintiff's claims; most notably, the Defendants failed to attach complete documents, and instead hand-picked only those that would support their claims, and same are insufficient to relieve the case of all questions of material fact; and indeed, in some instances, *create* questions of fact within the case. Second, the Plaintiffs recognize and bring the instant claims specifically within the exception to the government's immunity provided by CGS § 52-557n(a)(2); as the actions of the Defendants on the date in question were not of a discretionary nature; and were in fact proscribed by a very specific set of guidelines; rules; and an organizational structure which detailed the specific responsibilities of each member; and how they would assume the responsibilities of another if same could no longer

A-265

discharge their required duties; as happened as a result of a failure to act in the proscribed manner that ensured the interest of the students was tantamount and protected on December 14, 2012. Furthermore, even if they were discretionary in nature; the deceased Plaintiffs were identifiable victims, as school children during school hours, and a clearly imminent harm was before them; for which numerous members of the Sandy Hook Elementary School staff were, or should have been, aware that their failure to act in an immediate and obvious manner would certainly result in serious injury and even death to the Plaintiffs' decedents.

Even more questionable is the Defendants' argument that Adam Lanza's conduct is somehow an "intervening criminal action" which would destroy any claims against the Defendants on the ground of proximate cause. This logic/theory is both clearly erroneous as well as refuted by evidence attached by the Defendants themselves to their own Motion for Summary Judgment. When the Defendants attached a portion of the Sandy Hook Emergency Response Guidelines; and included the portion with the directives for teachers and staff to follow in the case of an emergency both outside the school; as well as an immediate threat within the building; those documents specifically contemplate a third-party form of harm from which the students would require protection by teachers and staff, such as Adam Lanza on December 14, 2012; and those Guidelines created a ministerial duty to act in a proscribed manner, and even contain a bold and underlined passage at the bottom of same, alerting the staff to the likelihood of injury to the students for failure to follow the aforementioned "rules." Clearly the intention of the security protocols/rules was to deal with an outside threat that had either gained access to the building; or was still outside the

building but posing a danger to the students within. Therefore, the Defendants' argument that the actions of Adam Lanza on December 14, 2012 were an "intervening cause" and defeat responsibility on the part of the Sandy Hook Elementary School staff is a specious and illogical argument; given the dearth of security directives Plaintiff will be attaching to this Objection as Exhibits; complete copies; with the entire directive for each individual involved; as opposed to specific selections of same; as produced by the defense in their motion.

Lastly, the defendants reference the Plaintiffs' failure to include "expert testimony" in the instant case; presumably to establish a "standard of care" for school children during school hours. The Plaintiffs will address the usefulness of supposed "experts" in the instant case, most specifically the expert disclosed by the defense as a "School Security Expert" designed to "refute the Plaintiffs' claims of negligence" against the Town and Board of Education, according to the extremely wanton Expert Disclosure produced by the defense for Mr. Kenneth Trump, but as the deposition of said expert will demonstrate, Mr. Trump has no knowledge whatsoever regarding the concept of "ministerial duty" or "identifiable victim/imminent harm," or municipal liability in general, and had a very difficult time making sense of the Security Guidelines in place at Sandy Hook Elementary School at the time of the shooting (perhaps the only thing he was actually qualified to do). Frankly, the Plaintiffs are unclear how said expert is expected to offer any relevant testimony to refuting the Plaintiffs' claims of negligence; which sound entirely in exceptions to governmental immunity; when said expert is utterly devoid of any knowledge concerning the function of holding a municipality liable for negligence in the State of Connecticut; and the Plaintiffs frankly resent the implication that

an expert is necessary to establish the standard of care for school children during school hours; particularly in the middle of an active emergency; especially with a dearth of caselaw on the subject; as well as the factual side of the issue, in the form of pages of security protocols created by the School District addressing the very situation at hand with which the entire staff should have been familiar at the time; copies of drills of same staff executing same protocols; additional protocols outside those disclosed by the defense which the Plaintiffs discovered; and the fact that the Defendants literally made it impossible for the staff/teachers in the Plaintiffs' classrooms to execute same protocols due to the Defendants failure to provide the necessary objects, such as keys to the classrooms. It seems many of the arguments the defense makes as to why there is no question of material fact in the instant case is that "the teachers could not do 'X' in the emergency and therefore we are not responsible for what happened;" yet the facts show that it was the direct fault of the Defendants that the teachers couldn't do 'X' in the emergency in the first place. A deceptive method for attempting to refute fault; establish an impossible scenario; and then claim no fault because there was an impossible scenario; created by the very individuals who are tasked with keeping the Plaintiffs' decedents safe.

The Plaintiffs acknowledge that the instant case is one of unprecedented notoriety, as well as carnage, speculation, press coverage, etc. However, Plaintiffs believe if the law is followed as drafted; and the court refrains from attempting to answer the questions of material fact that exist in the instant case; and instead just seeks to determine if such questions of fact exist; as the law in Connecticut dictates, that it will be clear that the Plaintiffs should be permitted to proceed on their

claims to a jury for a determination of the *multitude* of factual issues which exist in the instant case. A Memorandum of Law is attached hereto pursuant to law; as well as numerous exhibits, and the requisite law explaining the admissibility of same exhibits in a Summary Judgment action. The Plaintiffs will address the arguments as raised by the Defendants in their Motion for Summary Judgment and demonstrate how the defense not only fails to render the case devoid of material issues of fact; but instead raise many material issues of fact within same Motion.

RESPECTFULLY SUBMITTED
THE PLAINTIFFS

By s/426709/
Devin W. Janosov, Esq.
Donald A. Papcsy, Esq.
Papcsy Janosov Roche
53 East Ave.
Norwalk, CT 06851
Juris No.: 428746

ORDER

The Plaintiffs Objection, having been heard by this court is hereby:

SUSTAINED/OVERRULED

Clerk/Judge of the Superior Court

CERTIFICATION

This is to certify that a copy of the foregoing, has been sent to all counsel of record and pro se parties in the above titled action, on the date marked hereon:

Charles Deluca, Esq.
John Cannavino, Esq.
Ryan, Ryan, Deluca, LLP
707 Summer Street
Stamford, CT 06901

Monte Frank, Esq.
Pullman and Comely
850 Main St.
Bridgeport, CT 06604

s/426709/
Devin Janosov

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: NOVEMBER 1, 2017

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS' OBJECTION TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Connecticut Practice Book §17-45, the Plaintiffs in this matter hereby respectfully submit this memorandum of law in support of their objection to the Defendants', THE TOWN OF NEWTOWN, and THE NEWTOWN BOARD OF EDUCATION'S Motion for Summary Judgment to as it pertains to all the claims set forth by the Plaintiffs in the operative complaint. The Plaintiffs object first on the ground that the Defendants violated a number of ministerial duties with their conduct and lack thereof, in failing to follow proscribed Security Protocols which had been established and drilled on by the staff and administration numerous times previous to December 14, 2012. Additionally the Defendants' make an argument of impossibility for staff to comply with the protocols due to the manner in which the protocols were written and the state of the building design; the Plaintiff finds this argument unpersuasive, both because it was the Defendants who established this very procedure, while presumably taking into consideration the building design, as well as because a member of the Defendants' staff revealed that there was

A-172

actually a simple solution, and policy in place at the time of the shooting which would render the Defendants' argument of impossibility utterly moot. Lastly Plaintiffs believe a material issue of fact exists as to whether or not the Defendants failed to provide the staff with the necessary essentials and tools to follow said ministerial duties; as they had been previously created by the Newtown Board of Education concerning events such as the one that occurred on December 14, 2012.

In the alternative, the Plaintiffs fit the exception of "identifiable victims" of an "imminent harm;" and the Defendants failed to take the obvious and requisite actions to preserve the safety and lives of the Plaintiffs decedents once it was clear that failure to act in a definitive manner would almost certainly result in harm to, and even the death of, the Plaintiffs. It is the Plaintiffs' position that many issues of material fact remain unresolved in the instant case; and that the Defendants' Motion for Summary Judgment fails to adequately dispose of same; as is required by Connecticut law. The Defendants were on notice of the threat of injury that a failure to follow said procedures and guidelines would present in the case of a third-party threat to the students and staff of the Sandy Hook Elementary School ("SHE"); making said third party threat irrelevant to the determination of whether the Defendants failed to follow a ministerial duty to protect the Plaintiffs from same third-party threat. The Defendants' failure to follow same; or act in the manner expected when an identifiable victim is subject to an imminent harm, leaves the actions and inactions of the Defendants as a substantial factor to the death of the Plaintiffs' decedents. Furthermore, the Plaintiffs are confident that no expert testimony is required; particularly in a case with so many specific procedures and protocols enacted by the Newtown Board of Education, to establish the

standard of care expected to be provided to school children while in their schools. As such, a multitude of questions of material fact exist in the instant case which require a finder of fact to determine the level of fault to be placed on the Defendants for the death of the Plaintiffs' decedents that day.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Plaintiffs would like to first make a point of addressing the Defendants "Forward" to their "Factual and Procedural Background" provided in their Motion for Summary Judgment. While the Plaintiffs do not dispute the notoriety of the events of December 14, 2017; or the heroics displayed by teachers and administrators who were either killed or injured on that fateful day; the Plaintiffs do take issue with the Defendants thinly veiled attempt to paint themselves as the victims of December 14, 2012. While it is true that staff from Sandy Hook Elementary School lost their lives; in a manner which can be seen as heroic, noble, and selfless, the Plaintiffs have not sued the staff-member-victims who lost their lives on December 14, 2012. The Plaintiffs lost their children in this tragedy; and have fair reasons to place blame onto the Defendants which they have sued; THE TOWN OF NEWTOWN, and THE NEWTOWN BOARD OF EDUCATION for said losses.

For same Defendants to attempt to redirect the sympathy of the case in their favor; when they are government entities being sued; not the deceased staff members who were lost in the shooting; and those entities are being sued *by actual deceased individuals* who actually were lost in the shooting; and who had barely begun their lives at the time of their deaths; is border-line offensive to the sensibilities of the undersigned. But as undersigned wrote earlier, this is an unprecedented event;

with unprecedented carnage; discussion; disagreement; and an air of secrecy that has permeated over the event; giving rise to conspiracy theorists and advocates, as well as starting a national debate on school safety. The Plaintiffs are not interested in these aspects of the incident; instead they would like to keep the focus on the duties and responsibilities of the Defendant municipal entities and their staff on the date in question; and the apparent risk that presented to the students; and what was done, or not done to protect and remedy same, what could and could not have been done as a result of the actions of the Defendants, and the numerous questions of material fact which still loom over the events of that day. As such, a brief factual description of the events, based on discovery provided by the defense, affidavits provided by the defense, and investigations conducted by the Plaintiffs follows:

For some time between 2008 and 2010 the Board of Education and Sandy Hook School District implemented a host of Security Protocols and Guidelines. They assigned specific roles to certain key administrators and staff in an “Incident Command System” (See attached “Exhibit A”) in an attempt to address the roles of these certain individuals in specific and less specific situations of “emergency” that might present at any of the Newtown Public Schools as a result of outside forces or individuals; as well as an “Emergency Operations Plan” (attached hereto as “Exhibit B”) which also outlined the duties and responsibilities of certain key members of faculty and staff in the instance of an emergency, such as the First Selectman, the Superintendent, the Principal, and others. Additionally, the District apparently hired a “security expert” to compose “The Emergency Response Plan,” (Attached hereto as “Exhibit C”) and held meetings and kept minutes of same, also

communicating via email regarding this seemingly all-encompassing attempt at Security Protocols and Directives by the District, including, but not limited to the “Emergency Operations Plan,” the “Incident Command System and Guidelines,” (Attached as “Exhibit A” hereto, and starting at pg. 5 of said Emergency Protocols produced to the Plaintiffs by the Defendants in Discovery and which represent party admissions in the instant case) “The Emergency Response Plan,” (“Exhibit C” hereto, also produced in discovery and used as party admissions) and the “Emergency Lockdown Guidelines for Faculty and Staff.” (Attached hereto separately from their inclusion in “Exhibit A” as “Exhibit D” and previously attached to Defendant’s Motion for Summary Judgment).

Additionally, the district kept a record of the drills exercised by the students in the cases of certain emergencies (Attached hereto as “Exhibit E” is the drill records for Sandy Hook Elementary School, as provided by the defense in discovery, and which also serve as admissions by the defense). Lastly, there was apparently a district-wide policy that teachers were to “set the lock, located on the hallway side of the door, with their classroom keys when they arrived and started work during the school day. “They are supposed to have their doors locked and then just slam them shut [if there is a lockdown]”” according to school Superintendent, Janet Robinson, mere days after the shooting. (See Hartford Courant Article “Schools Told To Give Substitutes Keys” attached hereto as “Exhibit F” along with an affidavit of publication as “Exhibit G”, as well as an affidavit that same is a business

record of the Los Angeles Times, the parent company of the Hartford Courant, attached hereto as “Exhibit H”)¹

The guidelines as drafted by Mark Pompano (“Exhibit D” hereto) were far from the only directives regarding security; and same directives, once reviewed in more detail later in the instant objection, will show that it is a true question of fact whether same imparted a ministerial duty on the staff under certain circumstances, or some ministerial duties and some discretion; as the wording of said Guidelines is inconsistent with the representations made by the defense in their Motion, as well as the representations made by Mr. Pompano, Ms. Fedra, Ms. Cunningham, and others in their affidavits attached to the Defendants Motion for Summary Judgment. Furthermore, the additional documents regarding school safety and the roles of each member of the “Incident Command Center” does not leave room for interpretation regarding the responsibilities of each such member; in a ministerial function, and the order of operations, should a member be unable to complete their required tasks. A careful review of the directives drafted by Mr. Pompano, and the Defendants’ expert’s review of same shows that the contents of same are illogical if providing for discretion; ministerial in nature when reading the directives as a whole; and contradictory in many places

¹ “Documents in support of or in opposition to a motion for summary judgment may be authenticated in a variety of ways, including, but not limited to, a certified copy of the document or the addition of an affidavit by a person with personal knowledge that the offered evidence is a true and accurate representation of what its proponent claims it to be.” *New Haven v. Pantani*, 89 Conn.App. 675, 678-79 (2005). “[A] motion for summary judgment shall be supported by...written admissions.” *Daniels v. Ericson*, 2007 Conn. Super. LEXIS 1885 (July 17, 2007, Judicial District of New London). “Statements of a party opponent...fall within an exception to the hearsay rule and are also admissible... Conn. Code Evid. R. 8-3(1). Because Janet Robinson’s Statement is within a certified copy of a publication by affidavit; with an affidavit certifying it as a “business record;” and her statement within is a statement against interest by a party opponent at the time it was made; same is admissible in a Summary Judgment Proceeding by law.

concerning ministerial or discretion on the part of the staff. "...[T]he subsidiary question of whether official acts are ministerial or discretionary is normally a question of fact..." *Ventura v. Town of E. Haven*, 170 Conn. App. 388 (2017). "The ultimate determination of whether qualified immunity applies is ordinarily a question of law for the court unless there are unresolved factual issues material to the applicability of the defense where the resolution of those factual issues is properly left to a jury." *Coley v. City of Hartford*, 312 Conn. 150 (2014). The nature of these Protocols leaves many questions of fact that even the Defendants' expert, Kenneth Trump, couldn't adequately answer.

Because of the procedure listed by Dr. Janet Robinson concerning locking the doors upon arrival by teachers, and then just slamming the doors shut in case of an emergency (See "Exhibit F" attached hereto), combined with this host of other Security Protocols advanced by the Newtown School District, and attached hereto; it is unsatisfactory for the defense to focus solely on the "Emergency Lockdown Guidelines For Faculty and Staff" as they attempt to do in their Motion.

The other security documents provided by the defense in discovery, and adopted by the Newtown School District, are very specific about the roles and duties of specific members of both the "Incident Command System" (of which the Principal, Dawn Hochsprung, Lead Teacher, Natalie Hammond, Kris Feda, and Mary Sherlach were all members), as well as the "Departmental Line of Succession" and "Departmental Task Assignments" which do not leave room for discretion or interpretation within the "Emergency Operations Plan." It is therefore inadequate for the defense to attempt to rely upon solely the "Emergency Lockdown Guidelines For Faculty and Staff" in their attempt to argue that there was no ministerial duty placed on any of the affiants in the Motion for

Summary Judgment, or the teachers within classrooms eight (8) and ten (10) on December 14, 2012; or that there is no genuine issue of material fact; when the teachers in classrooms eight (8) and ten (10) presumably lacked the requisite keys to lock their doors upon arrival, in accordance with the protocols described by Dr. Robinson. (See Police Evidence Log, attached hereto as “Exhibit I” as well as the affidavit from the Newtown Police Chief, Michael Kehoe, that it is a true and accurate business record of the investigation, attached hereto as “Exhibit J”) which accounts for the seizure of only one set of “red folders” from the back of the classrooms eight (8) and ten (10); as referenced in the affidavits attached to the Defendants’ Motion, and sworn to as the location of the keys to the classroom; yet completely disputed by the attached Affidavit from Benedict Frosceno (Attached hereto as “Exhibit K”) with the photographs taken of the contents of said folders, at the State Crime Lab; which had previously been undisturbed, and which contained no keys upon visit by both defense and Plaintiff’s counsel(s). If the defense can locate another reference within the police records to the seizure or return of the personal property of the teachers in classrooms 8 and 10 which includes “keys,” undersigned is eager to see same. But as it stands, there is a serious question of material fact as to whether the substitute, Rousseau, and the teacher Soto, in classrooms 8 and 10 even possessed classroom keys with which to lock their doors; in accordance with Dr. Robinson’s mentioned procedure; or the procedures set forth by Mark Pompano and other security documents.

1. The Guidelines

Since the defense relies *so heavily* on the guidelines drafted by Mark Pompano in their argument that there was no ministerial duty, it would be wise to review the contents of same and

examine them for indicia of discretion; vs. commands to be followed in a prescribed manner. While totally in agreement with the defense that it would be the “Lockdown Code Blue Guidelines” which would have been relevant in the case of a Lockdown on December 14, 2012; to understand the flaws in these documents and the defense’s reliance on same; one must read thoroughly through *both* sets of Guidelines to understand why they fail to establish discretion for the staff in the case of an emergency. First and foremost, if it is the goal of one to leave discretion in the hands of the staff at a school at any time; the simplest way to do so is to not draft a “rule,” “guideline,” or “protocol,” at all and leave the staff to their discretion in the instance contemplated. For the sake of argument however, we will assume that the district felt that some guidance would be wise in the case of an emergency and didn’t want to leave the staff with total discretion on how to behave under such extreme circumstances. Of course, this argument already begins to erode the theory that the intention was to leave the staff with discretion in the instance of an emergency; especially when the email of Mark Pompano is taken into consideration where he makes a specific point to the staff receiving these guidelines “not to make changes to the language within same” (See email from Mark Pompano, attached hereto as “Exhibit L” provided by the defense in discovery; and a party admission in the instant case).

If the idea was to use the “best practices” method, as the defense claims in their motion, it seems counter-intuitive that Mr. Pompano didn’t want anyone making any changes to the specific language of the Protocols. It would seem to follow that the “best practices” would allow the individuals at each particular school within the Newtown School District to “personalize” these

Protocols to their specific school; in order to make sure they were properly designed for the needs of each individual school building. But that was not what Mark Pompano had in mind for these protocols; and he was very clear that the language should not be changed in his email. Additionally, the language itself does not leave much room for discretion, particularly in the CODE BLUE Guidelines, unless a totally illogical and unworkable result was the intention.

First and foremost it should be pointed out that these guidelines are a tiny fraction of a far greater school safety directive, which explained and listed the roles and responsibilities of everyone in the case of specific emergencies ranging from the “District Contact Information Incident Command System..”, which includes within it the flow-chart, as well as specific and unwavering descriptions of each assigned role, and setting forth the fact that Dawn Hochsprung was the “Incident Commander” at Sandy Hook Elementary in case of an Emergency, as well as the roles of Natalie Hammond, Kris Feda, Rick Thorne, and Mary Sherlach. The defense merely took the “Emergency Lockdown Guidelines” out of context from this much larger, and more concise, statement of the roles and responsibilities of the staff at Sandy Hook Elementary in the case of numerous potential emergencies; especially when read in conjunction with the aforementioned “Emergency Operations Plan.” However, a review of the out of context and isolated Guidelines attached by the defense still reveals discrepancies in the affidavits of the defense’s affiants, as well as the Guidelines themselves, which create material questions of fact to be determined by a jury.

First and foremost, when reading the *very first line* of the Guidelines, it states “Upon notification or personal observation that an emergency situation exists it may become necessary for

school administration to commence a “**lock down**” at any one of our Newtown Public Schools.” (Emphasis in original). This first sentence alone contradicts the repeated identical statements contained in the Defendants’ Affidavits from various members of the “Incident Command System” that an announcement by the principal, Dawn Hochsprung, was required in order to implement a “Lock down.” The document clearly states that “the administration” can institute a lock down; and that it may occur by notification, or personal observation. Indeed, even Richard Thorne, the janitor and affiant of the Defendants’ Summary Judgment, admits that he was in the hallway advising an individual teacher to “get into a classroom...” as well as to “clear[ing] the hallway of staff and students...” in his affidavit attached to the Defendants’ Motion. And perhaps *most notable* is the fact that he was the caller who remained on with 9-1-1 for the duration of the shooting; a fact which will become relevant as to whether or not the school was “in lockdown” or not; yet another question of material fact. Natalie Hammond and Kris Feda both agree in the last paragraph of each of their affidavits that at no time was the code for a lock down called over the loudspeaker; and both swear that “The Lockdown Guidelines” required a code to be communicated in order to trigger the enactment of a lockdown (Hammond at ¶ 10; Feda at ¶ 9.) Both also attest to the fact that they were both members of “The Sandy Hook Crisis Team...” and that both were familiar with the emergency responses and drills...” (Hammond at ¶ 7; Feda at ¶¶ 5 and 8). However, neither mention ever calling the code themselves on December 14, 2012; while within conference room nine (9) with a parent and a telephone with access to both the loudspeaker system, as well as an outside telephone line. (See Report of Stephen J. Sedensky, III at pg. 9, footnote 15 produced by the defense in

discovery to the Plaintiff, by the Newtown Police, as well as available to the general public and attached hereto as "Exhibit M").

The rest of the first paragraph of the "Guidelines" states that "Generally, this order will be announced over the school's public address system. This order will be given in the following manner; 'May I have your attention please. "_____ School is now in lockdown.' However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth. This announcement may also contain the term **CODE BLUE**, which signifies that the threat is currently inside the school building (please see Page 2 for additional code blue information)." (Emphasis in Original). This seems to strongly contradict the statements of the Defendants' affiants who claim that a call over the loud speaker was *required* to signify the enactment of the lock down procedure. Or, on the other hand, that the members of the school's "Incident Command System" such as Kris Feda and Natalie Hammond were truly familiar with the directives of the Guidelines. The guidelines seem to contemplate the fact that circumstances may not always allow for the lock down to be issued over a loud speaker and allow for them to be issued in many other manners, all the way to by "word of mouth" if necessary. It would appear the emphasis in the Guidelines is placed more on *making the announcement* that the school is in danger, rather than the form in which that announcement is made. It seems the Defendants prefer to put form over substance in this instance; and same makes their affidavits contradictory to the Guidelines and raise issues as to their validity.

The remainder of the Guidelines is a confusing, and nearly impossible to reconcile, set of directives that when, taken with the standard accepted practice of defining certain words to indicate “discretion” and others to indicate “a duty” under the law, leaves an illogical and unworkable mess. For instance, in the set that contemplates that the threat is *outside the building*, the word “shall” is used almost exclusively, yet still there are areas that make no sense. For instance, in the third paragraph it states “upon notification of a ‘lockdown’ teachers and support staff *should* (Emphasis added) promptly gather their students and those in the immediate vicinity, and escort them into a classroom or securable room (faculty restroom or other area) that can be locked and secured from the inside.” (Emphasis in original) The first issue is that it seems that through the use of the word “should” that it is discretionary whether or not to collect the students and get them to a securable location. Second it is unclear whether a classroom is considered a “securable location” when it is known that they cannot be locked from the inside but can be locked upon arrival as advanced by Janet Robinson in her public statement a month after the shooting.

The guides go on to state that teachers “should” check restrooms for students and take them to “a classroom or securable location;” which again raises the issue whether a classroom is a “securable location,” or if students that were in the restroom simply don’t require a securable location as the others do; and of course, the use of the word “should” again would imply that there is discretion available for the teachers to ignore these directives entirely. The real issue presents in the final two (2) sentences of the third paragraph where, after apparently leaving the teachers with discretion in whether or not to seek a securable location with the students for the entire first portion

of the paragraph; it ends with the statements: “The only (Emphasis in original) staff/support staff members permitted in the hallway or another non-securable location is the School Resource Officer (Emphasis in original) and/or members of law enforcement (Emphasis in original) (Newtown Police Department, CT State Police). All other staff members, including school security officers, administration, and custodians *shall* (Emphasis added) remain in a secure location throughout the duration of the lockdown.”

So, in reading this entire paragraph of the “Guidelines” in accordance with the typical definitions afforded words like “should” and “shall” in the law, and taking into account the amount of emphasis the drafter placed on “remaining in a securable location and staying out of the hallways during a lockdown,” it would appear that the staff has discretion in whether or not they are to seek out a securable location for themselves and the students during a lockdown situation; however, it is mandated that they remain in a securable location for the duration of a lockdown, unless they are the Resource Officer or Law Enforcement, through the use of the word “shall,” bolding and underlining portions. This is an utterly unworkable and illogical set of “Guidelines,” and to make matters even more confusing, at the bottom of page one (1) of these “Guidelines” is written: “Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediately proximity.” (Emphasis in the original). This statement alone, and the emphasis placed on it, seemingly places the staff on notice that they are to comply rather strictly with the mandates set forth within the Guidelines, less the “safety of all persons inside the classroom or neighboring classroom” be put in immediate jeopardy.

It's almost as if the drafter had absolutely no knowledge of the difference the law affords the words "should" and "shall" and between Mark Pompano's attached email, and the use of bold and underlining language, that he not only intended for the staff to follow these guidelines rigidly in the case of an emergency, but when read as whole, allowing discretion leaves an unworkable result; only by reading them as directives to perform accordingly do they make any sense; yet his affidavit does not support such a position; nor does it support the manner in which he drafted these Guidelines. Clearly, at the very least, the last sentence places the staff and administration of the school on clear notice that failure to follow these "rules" is likely to result in danger and/or harm to individuals at the school from a third-party threat; and makes short work of the Defendants' argument that a third-party's criminal actions is an intervening cause which destroys liability on their part for their performance during such a third-party emergency; as the guidelines directly address the potential for harm that the mishandling of such a third-party emergency will likely cause to the students and staff of the school.

The portions of the first page of Guidelines not otherwise addressed herein repeatedly use the word "shall" such as "once inside a securable location, staff shall complete one or more of the following tasks..." and "Staff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above..." (Emphasis in original). Again, this is from the first set of "Guidelines" for when the apparent threat is outside the building; but just the way those two sentences are phrased raises the question of whether the cafeteria staff has to complete all the tasks listed in the area where regular staff must only complete "one or more" of

same tasks? In general, the guidelines are, in and of themselves, a question of fact as to whether they present a ministerial duty and a set of directives, of which it is the Plaintiffs' position it does, despite the use of certain words over others, as the result of defining those words in the standard manner results in illogical outcomes, and they should instead be read as a whole. Or if they allow for "discretion" they do so in a manner that would make little to no sense, especially when one heeds the warning in bold, underlined, text at the bottom. Either way, the affidavits produced by the Defendants are totally contradicted by the guidelines themselves as far as "requiring" an announcement, and Richard Thorne himself raises a very serious question as to whether or not SHE was actually "in lock down," which the other affiants deny, but which Richard Thorne apparently stated to 9-1-1 on the date of the shooting.

The second page of the Guidelines, specifically for a situation in which the danger is actually within the school, if read with the traditional "legal" definition of same words results in even more illogical and unworkable results than the first page. For the most part, the "CODE BLUE Guidelines" follow much the same pattern as the previously described Guidelines for a threat outside the building; with a few key changes that make them even more confusing. The first paragraph is almost identical, allowing for the "CODE BLUE lockdown" to be called over the loudspeaker, telephone, two-way radio, or word of mouth; and placing a CODE BLUE lockdown in place by either "notification or personal observation," precisely like the first set of Guidelines. It also again apparently gives the staff "discretion" in seeking out a "securable location" with the students when a threat is inside the building by stating "[a]ll unassigned staff members should expeditiously

find a classroom or other securable location to remain throughout the duration of the lockdown; while directing them with ministerial language, again, to then remain in those securable locations with the language “The **ONLY** persons permitted in the hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are **law enforcement officers** from the Newtown Police Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.” (Emphasis in original) The word “shall” was changed to “must,” but it still results in the same illogical mandate that the teachers, administration, and custodians, along with the students, have discretion in finding and entering a securable location during a CODE BLUE lockdown, but are then specifically mandated to remain in same securable location for the duration of the lockdown. Again, illogical and unworkable; as though the drafter didn’t understand or intend for the document to be read with the “legal” definitions of words like “should” and “must” when he was drafting the Guidelines.

Perhaps one of the most bizarre changes found in the “CODE BLUE Guidelines” is the change of all the previous “shall” language to “should” concerning the teachers and cafeteria employees completing tasks. Whereas in the first set of Guidelines, where the threat is outside the building the teachers were ordered that they “shall complete one or more of the following tasks...” now in the “CODE BLUE Guidelines,” where the threat is immediate and within the school, the language is replaced with the following: “Once inside a securable location, staff members *should* complete [all] the following tasks...” (Emphasis added); effectively leaving it to the staff members to

determine whether or not to complete even one of the listed tasks, while directing that they “should” now complete them all. The same is true for the cafeteria staff as now the language is replaced with “...should perform the following tasks, in addition to those mentioned above...” thereby also leaving the cafeteria staff to determine whether to complete *any* of the listed tasks; as the use of the word “should” would ordinarily imply the granting of discretion. Why request that, in the case of the threat being immediate and within the school, the teachers now complete all of the listed tasks, but grant them discretion at the same time as to whether or not to endeavor to do any of them at all; and same with the cafeteria staff? It is a strain on logic and credulity of the statements of Mark Pompano in his affidavit. Again, it seems more as though these were drafted with no working knowledge of the legal import of the language; and that these are directives to be followed in the case of an immediate threat within the building.

Perhaps most convincing of this fact is the added language in the “CODE BLUE Guidelines” of “**Note:** Students in the cafeteria during a Lockdown-Code Blue should not be escorted or sent back to their classrooms.” (Emphasis in original). This statement effectively demonstrates all that is necessary to show that the Guidelines as drafted were meant to be ministerial, regardless of word choice by its author. If one were to interpret that “Note” with the standard definitions of the word “should” it would effectively grant the cafeteria workers discretion to escort or worse, merely send back, to class students, when the threat is immediate and within the walls of the school. Clearly the author did not intend to allow elementary-aged students to wander the hallways of the school, as an immediate and imminent danger to them is present inside the

building. Indeed, the author even used bold and underlined language to emphasize the word “not” in the sentence. To read this in the manner propounded by the defense would result in an illogical result; as the same use of bold and underlined language is used in the “CODE BLUE Guidelines” concerning students engaged in outside activities when the threat is inside the building when it states: “Staff members assigned to outdoor activities...at the time a **Lockdown-Code Blue** order is issued should not attempt to bring students back inside the building.” (Emphasis in original). Same issue; only even more offensive to the senses that these Guidelines were designed to give the teachers outside, with a dangerous and imminent threat inside the building, the discretion to bring the students *back into the building where the very threat is located*? The defense can advocate for the standard interpretation of these Guidelines as much as they want; but they were clearly not drafted with an understanding of the legal interpretation of the words like “should,” “shall,” “must,” etc. And any arguments made by the defense to the contrary are specious and illogical. It is a material question of fact whether these Guidelines were designed to dictate specific behavior under specific circumstances, regardless of the words used within; which the Plaintiffs believe is fairly obvious by the use of the words “Rules,” the warning of the danger which failure to follow these rules is likely to create, as well as the strategic use of bold and underlined language by the author throughout. It is only by taking them as a whole; and realizing that they are directing specific conduct in the case of an in-school threat, that they make sense; which makes them ministerial in nature; regardless of what illogical outcome(s) the affidavits provided by the defense advance.

Indeed, the Plaintiffs, through undersigned counsel, deposed the Defendants' expert on the simple issue of whether these guidelines intended to refer to a classroom as a securable location, and despite being an "expert" in the drafting and reviewing of Guidelines such as these, said expert was unable to make sense of the issue concerning whether a classroom is a "securable location." (See certified transcript of Defendants' Expert, Kenneth Trump, Certified Deposition, attached hereto as "Exhibit N" pg. 82, line. 21 – page 86, line 16) and stated that it was his interpretation that the word "should" meant that the staff "should" complete the tasks in the situation (*Id. at pg.82, lines 11-20*). The Defendants' own expert felt that the Guidelines comprised a directive of what should be done in the case of an emergency; and the actions contemplated within were not executed by the very staff charged with the safety of the school.

2. The events of December 14, 2012

As the Defendants set forth in their retelling of the events of December 14, 2012, Adam Lanza shot out a large plate glass window located directly adjacent to the steel security doors that were locked at the beginning of the day. The only point that the Plaintiffs have in this instance is the irony of placing steel security doors and an intercom, camera and buzzer system as security at the entry of a school; only to leave a plate glass window, large enough for an individual to simply walk through, directly adjacent to same. Security is only as strong as its weakest link; and to place such a weak link directly next to the otherwise "secure" entrance to the school seems to be an apparent and obvious danger for a forced entry, and certainly renders the other security protocols taken at the front of the school seemingly useless.

However, what is of more interest to the Plaintiffs is what transpired in Conference Room 9 at the time of the shooting. Pursuant to the affidavit of Kris Feda, at paragraph 17, Kris Feda states, under oath, that “[she] heard gunfire from the lobby adjacent to the conference room.” At paragraph 18 that in the room with her were “Dawn Hochsprung (principal), Mary Sherlach (psychologist)...Natalie Hammond (lead teacher)...and a parent of a student.” At paragraph 19 Kris Feda goes on to state that “Immediately upon the sound of gunfire, Dawn Hochsprung, Mary and Natalie left the room to investigate. They closed the door behind them. The rest of the staff *took cover* in the room.” (Emphasis Added). At paragraph 20 Kris Feda states that “Dawn and Mary were shot and killed.” And at paragraph 21 Kris Feda states that “Natalie returned to Room 9 and had bullet wounds in her left leg and left hand. Rapid fire continued proceeding down the hallway.” At no point does Kris Feda state that she warned the others that the noise outside was gunfire and advised them not to exit Conference Room 9. Indeed, she even admits that upon the exit of three (3) of the members of the school “Incident Command System,” including the principal, who is clearly tasked as the head and leader of the safety of all the students and staff under her care, as well as apparently making any announcements regarding a lock down, and that the remaining members, “took shelter,” indicating that there was an immediate awareness of danger among those three members of the “Incident Command System,” as well as Kris Feda, who is also a member of the same “Incident Command System” at SHE at the moment the first breaching gunshots were fired.

Plaintiffs raise this issue because, while it may have been “heroic” and “selfless” and even “noble” of the principal, and two other members of the school’s security structure to leave a

sheltered room with access to an intercom and an outside phone line; it should be noted that said affidavit clearly indicates an awareness of the danger outside, and specifically of “gunshots being fired. The sound of an AR 15 being fired numerous times to gain access to the school, mere feet from these individuals were located raises an issue of the principal’s decision to exit the safety of a room with access to a P.A. System, instead of just calling for a “CODE BLUE” as the Guidelines dictate under such circumstances. The fact that the remaining members in conference room 9 “took shelter” upon the exit of the three, only further bolsters the Plaintiff’s point that it was known to these individuals that gun shots had been fired, and glass had been broken; that an armed intruder was now inside the building seem like a fairly obvious conclusion on the part of all involved. In such a circumstance, does the Principal not have a ministerial duty, “by her observation” to call a “CODE BLUE” over the loud speaker and alert the staff and students to “lock down” immediately? Surely this is all a question of material fact for a jury to determine, but it is Plaintiffs’ position that the clear indication of all the security documents should have instructed the principal, and other members of the School Incident Command System, to immediately call a “CODE BLUE lockdown” upon the sound of gunfire and breaking glass mere feet away from the room where they were safely hidden, with access to a Public-Address system, as well as an outside telephone line. Her role as “Incident Commander calls for such an action, as does the Guidelines, but again, that appears to be an unresolved question of fact regarding her actions, and the actions of Natalie Hammond and Mary Sherlach that morning; and what specific information they had exiting that room. Although, again, Kris Feda’s affidavit is fairly clear that “upon hearing gunfire” and that the remaining members who

stayed behind in Room 9 “took shelter.” Plus, there is the obvious issue of the sound an Assault rifle makes mere feet away when it is fired in succession to gain access to a building. Wasn’t it the ministerial duty of the members of the school’s “Incident Command System, and most notably, their leader, to follow the Guidelines and get onto that P.A. and announce a “Lockdown Code Blue” under those circumstances? Isn’t that what was drilled for repeatedly?

And let’s take it moments ahead in time; when Natalie Hammond returned with bullet wounds, and it was clear that Dawn Hochsprung and Mary Sherlach had suffered a horrible and almost unspeakable fate. At that point, was it not apparent to the remaining members present of the School Incident Command System that there was a duty to act on behalf of the students and pick up the P.A. System and call a “lockdown CODE BLUE at that point in time? By that point isn’t it clear that there is a shooter inside the building, students and staff are in mortal jeopardy and the Guidelines for a CODE BLUE need to be called over the P.A. that was right there in Conference Room 9? Yet it was not done. Just another question of fact for the jury regarding the reasonableness of the behavior of the individuals in that room, and the duty to enact the security procedures at varying times throughout the shooting; which, as admitted by both in their affidavits was never done; despite the Guidelines not requiring the Principal to make the announcement. When the Principal has been the first victim in a school shooting, does that mean the duty to lock down the school and protect the students has now evaporated because she is no longer there to pick up the P.A.? All material questions of fact.

Additionally, the defense attempts to state that it wouldn't have mattered for the members of classrooms eight (8) and ten (10) because the teachers would have had to go out into the hallway where the shooter was to lock their doors. Putting aside the fact that another teacher, managed to do just that, albeit also receiving a gunshot to her foot; as well as putting aside the fact that Adam Lanza had exited the hallway twice to enter the school office; giving moments when the hallway would have been clear; the real question is: Is it fair for the Defendants to set up Security Guidelines that demand certain action from the staff that, the Defendants themselves insist, would require them to risk their lives to save their students, by going out into the hallway, and then relieve the Defendants of all liability as a result of that condition that they created because they didn't take into account that the doors lock from the outside when drafting the Security Protocols? Is it fair to the families that never got to be on the "safety Committee" and review those rules under C.G.S. § 10-220f; who may have recognized this apparently impossible catch²² the defense advocates, and possibly suggested a different way, or at least pointed out the flaw, to allow the Defendants to escape all liability for that day's events due to the manner in which they adopted the Guidelines? A manner which apparently left the teachers, staff and students in classrooms eight (8) and ten (10) with no chance at survival? Or even more importantly, did the teachers in classrooms eight (8) and ten (10) even possess keys to lock the doors with; had they desired to try and do so as the teacher shot in the foot was able to do? The evidence collected by the Police in the case suggests that they did not have keys, and the defense has been unable to account for that issue throughout the case; and most specifically after the visit to the evidence lab. Or even still; was the Policy enumerated by Janet Robinson in effect at the

time; and the lack of keys is the sole reason the doors were not simply slammed shut upon the sound of gunfire by the teachers? These are material questions of fact for a jury to decide; these are questions of fact which the defense did not even address in their Motion, and which cut to the heart of whether the Defendants breached a ministerial duty, by failing to provide keys in accordance with a policy in place to lock doors upon arrival. By breaching a ministerial duty by not calling a code blue and putting the school into lockdown, either immediately upon the sound of gunfire and breaking glass, according to the Defendants' own affidavits, or worse, upon learning of the murder of the principal and Mary Sherlach, and shooting of Natalie Hammond, while sitting in a Room with access to the school's P.A. system, and apparently having adequate training on the school's emergency protocols, and membership in their Security Counsel and Incident Command System?

From the moment the first shots were fired from the high-power, high capacity, Assault weapon at the front glass of the school; the actions of the staff in response to same calls into question their discharge of their obligations to their fellow staff, students, and administrators. They didn't know, in Conference Room 9, how many shooters were present; they just knew there was gunfire and to "take shelter" as three (3) went out, and only one (1) came back. At that point, didn't it become a breach of a ministerial duty, or at least an imminent harm to the identifiable victims, the Plaintiffs, to not call a "CODE BLUE Lockdown" over that P.A. system? Did the teachers have the keys to lock their doors if the lockdown was called? Did the teachers have keys to implement the logical and simple solution to the doors locking from the outside presented by Janet Robinson in her public statement attached hereto? Is the defense allowed to dismiss the Plaintiffs' entire complaint

with these key questions hanging, unanswered; simply because they attached affidavits that actually corroborate the very issues which the Plaintiffs are addressing and questioning? The events of that day were unique, in that no one there had experienced them before; but they had been contemplated; planned for, drilled upon, procedures were in place; people were assigned roles and titles and tasks in the event of numerous potential emergencies, and as conceded by the defense in their motion; none of these individuals did what was planned, proscribed, drilled upon, or their roles called for. In Stephen J. Sedensky III's final report at pg. 9, footnote 15, it is stated that the intercom system was turned on inadvertently; and when one looks at the timeline attached to same report and provided to the Plaintiff by the defense in the instant action, as well as with the Newtown Police Reports, it becomes clear that it is likely because it was the *parent* and not any teacher located in Conference Room 9 that picked up the phone and dialed 9-1-1. (See Western District Major Crime Squad 9-1-1 call logs at pg. 4, first paragraph, attached hereto as "Exhibit O" and provided with defendants' discovery as well as by the Newtown Police, affidavit from Chief Michael Kehoe attached hereto as "Exhibit K"). In bolded underlined text the Guidelines warn what a failure to follow their "rules" will result in, and is that not *exactly* what transpired on December 14, 2012? **"Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classroom in the immediate vicinity?"** Isn't that exactly what happened to neighboring classrooms eight (8) and ten (10) on December 14, 2012 due to a failure to follow the Guidelines?

II. Law/Standard of Review

“Practice Book § 17-49 provides that summary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” *Brown v. Soh*, 280 Conn. 494, 500-01 (2006). “In ruling on a motion for summary judgment the court’s function is not to decide issues of material fact, but rather to determine whether any such issues exist.” *Nolan v. Borkowski*, 206 Conn. 495 500 (1988). “In seeking summary judgment, it is the movant who has the burden of showing the nonexistence of any issue of fact. The moving party for summary judgment has the burden of showing the absence of any genuine issue as to all the material facts, which, under applicable principles of substantive law, entitle him to a judgment as a matter of law. Courts hold the movant to a strict standard. To satisfy his burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issues of the material fact. As the burden of proof is on the movant, the evidence must be viewed in the light most favorable to the opponent.” *Zielinski v. Kotsoris*, 279 Conn. 312, 318-19 (2006).

III. The Plaintiffs are entitled to prevail on the instant Motion for Summary Judgment, as the Defendants failed to eliminate all questions of material facts

The Defendants, in their Motion for Summary Judgment, failed to address a litany of unresolved questions regarding what transpired that day, and the responsibilities of the staff and “School Safety Committee” under the circumstances. First and foremost, they fail to address the “district-wide” policy referenced by the Superintendent, Janet Robinson, just over a month after the shooting, of teachers locking their doors upon arrival and leaving them open, only to be slammed

shut, and therefore automatically locked, in the instance of an emergency or lockdown. (See Plaintiff's Exhibits G, H and I). Furthermore, the Defendants fail to address the interplay between the countless other security documents they had produced in discovery; which very definitively set forth the roles and duties of each of the "School Safety Counsel" members, as well as the "Incident Command Center," and the solitary "Emergency Lockdown Guidelines" attached to their motion. The defense fails to address the responsibility of the Principal and others in Conference Room 9 and whether they behaved in accordance with the Guidelines, reasonableness, and in a manner to protect identifiable victims from a clearly imminent harm.

Furthermore, the Defendant does a terrible job of describing how the Plaintiffs in the instant action are not "identifiable victims" of an "imminent harm" when they were school children in school during school hours, and when the Defendants had immediate and uncontroverted evidence that failure to take immediate steps to lock down the building, would result in injury and likely death to any number of students like the Plaintiffs. The Defendants instead cite to a litany of cases in a footnote, almost all of which ultimately find in favor of the Plaintiff and permit the case to proceed on the grounds of "identifiable victim" and "imminent harm." It is Plaintiffs' position that the events of December 14, 2012 are so unique and notorious, as to make almost all the case law cited by the defense inapposite to the facts of the instant case, yet they still rely on a litany that permit the Plaintiffs to proceed on identifiable victim/imminent harm.

But the fact still remains that the defense has left many questions unanswered; important questions that go directly to their responsibility on December 14, 2012. Janet Robinson's "district-

wide policy” regarding locking the doors upon arrival at the school; the fact that no keys were located when all involved went to view the only evidence seized by the police that remotely resembled the items from the location where the Defendants’ affiants claim the keys for classrooms eight (8) and ten (10) were located in their motion for summary judgment; leaving the Plaintiffs to wonder if the teachers in their respective classrooms could even lock the doors to their classrooms. The wording of the “Emergency Lockdown Guidelines For Faculty and Staff,” which when read with the standard “legal definition” of certain words leads to illogical and unworkable results like allowing staff to bring students back into a school with an immediate and dangerous threat inside; or allowing students to wander the halls back to their classrooms themselves with a potential danger in those very same halls. Was the school under lockdown on December 14, 2012 or not? According to the Defendants’ affiants, the school was never placed on lockdown, but according to the 9-1-1 records/the timeline attached to Stephen J. Sedensky III’s report, the individual who remained on the phone with 9-1-1 for the duration of the shooting (Richard Thorne, according to his affidavit) told the operators that the school *was* under lockdown (Plaintiffs’ “Exhibit O at pg. 2, last line).

The Defendants seem to state in their summary judgment that the Plaintiffs must somehow articulate the duty that was owed to the Plaintiffs on December 14, 2012 and how the Defendants breached same; but Plaintiffs are fairly certain they have set forth same in both the allegations concerning the Defendants breaching clearly ministerial duties by failing to access to an intercom at numerous times when the danger was obvious and apparent; as well as failing to act when it was clear that the students, identifiable victims by law, were in danger of an imminent harm, both before

and after that harm had befallen members of their own School Safety Committee. Yet the remaining members took no steps to institute a lockdown; instead letting the one non-employee in Conference Room 9 make the call to 9-11.

Undersigned asked the Defendants' School Safety Expert, Kenneth Trump, if he was ever aware of a shooter gaining access to a locked classroom; which Mr. Trump could come up with only one potential example, for which undersigned had to explain the circumstances surrounding same to Mr. Trump (Plaintiff's N; pg. 72, line 17- pg. 73, line 7). The point of same was that had the staff at SHE acted quickly to order a lockdown immediately upon the knowledge of the danger; or even after the initial casualties; it would have given the Plaintiffs extra time (assuming they had keys). Time for the Police to arrive, time to keep Adam Lanza from simply walking into two (2) classrooms; Most notably is how incorrect the Defendants are concerning what the Plaintiffs are claiming was done wrong, and what was ministerial in nature, and how the Plaintiffs were identifiable victims of an imminent harm who were directly affected by the actions and inactions of the staff immediately during the shooting. This is perhaps most telling of how the Defendants failed to dispose of all material questions of fact.

The Defendants claim that Soto and Rousseau "gave their lives" to protect their students on December 14, 2012; but it is unclear from the facts, and a material question, whether that would have been necessary had they been provided keys and had the "Incident Command System" and "Crisis Team" behaved in accordance with the whole of security guidelines attached hereto; yet no such announcement was made; even after the principal had been killed running into gunfire; the

remaining members of the School's "Security and Crisis Team" merely sat silent and motionless in a room with access to the school-wide P.A. system.

IV. Ministerial vs. Discretionary

As is stated in *Bashaw v. Glastonbury*, 51 Conn. Super. LEXIS 3135, and cited by the defense, "there must be a written policy, directive, or guidelines mandating a particular course of action for a duty to perform to be considered "mandatory." Furthermore, according to *Wiseman v. Armstrong*, 269 Conn. 802, 810 (2004) "a statute is enacted as a whole and must be read as a whole rather than as separate parts." The security guidelines cited by the defense are just a small portion of a larger directive which sets forth the responsibilities and roles of certain members, delivers a flow chart showing each individual's location within the system; and then goes on with an explanation of each such member's role. For the defense to pick the two (2) pages concerning "Lockdown Procedure" and ignore the entirety of the security mandates violates the spirit of *Wiseman* that they are to be read as a whole; and it is the Plaintiffs' position that when all the security guidelines are read as a whole, it is clear that they impose a ministerial duty which was violated specifically by the members of the "School Crisis Team" and the "Incident Command System" on the date in question, when, as aforementioned, opportunities to protect the Plaintiffs and pother kept flashing by those in charge. All the drilling of locking the school down in the past, in which it was accomplished in as little as four (4) minutes on March 25, 2010; were forgotten and never implemented.

In fact, under the very Security Guidelines cited by the defense in their motion for Summary Judgment; instead of the Dawn Hochsprung and Mary Sherlach entering the hallway, while the

remaining members of the School Crisis Team took cover; the Guidelines are fairly clear that only law enforcement is permitted in the hallway in the instance of “CODE BLUE” threat within the building. However, instead of remaining within the location where they were hidden and using that school-wide P.A. system to announce the “CODE BLUE” lockdown as the defense’s Security Guidelines dictate; Hochsprung, Hammond and Sherlach ran out into open gunfire. It is not the Plaintiffs’ intention to lessen their sacrifice; or detract from the courage that doing same must have required, given the sounds of gunfire from an assault weapon right outside their door; rather it is Plaintiff’s position that it was not the right thing to do when considering the well-being of the students, the security protocols, or the identifiable victim/imminent harm standard. Locking the school down would have been the obvious and correct thing to do under such circumstances. And again, certainly after the death of Hochsprung and Sherlach the remaining members of the School Crisis Team and Incident Command System must have known that the students were identifiable victims whom would experience imminent harm if action was not taken immediately by same as set forth in *Haynes v. City of Middletown*, 314 Conn. 303 (2014); which overruled two (2) of the cases relied on by the defense in their motion concerning imminent harm, *Purzycki v. Fairfield*, 244 Conn. 101 (1998) and *Burns v. Board of Education*, 228 Conn. 640 (1994). In fact, the defense all but makes the Plaintiffs point in their constant emphasis that actions were required to be performed in a proscribed manner; while it is true, that the Guidelines themselves allow for a choice of ways to alert the school to the existence of a threat; those same “rules” as they are defined within, in bolded and underlined type-face, is *very specific* in its mandate to inform the school of such a threat, and lists the

many manners in which that information may be delivered. However to find that there is discretion in whether or not staff has a ministerial duty to so inform the school as it sits in session is tantamount to saying that because the rules state that it can be “announced over the P.A., two-way radio, telephone, or by word of mouth,” that a staff member then has discretion if they view a fire raging on one side of the building as to whether or not they have a duty to alert the members of the school to the existence of such a fire, just because they have a choice of manners to make such an alert.

The question should not, and as the Defendants point out by stating that the use of the word “shall” does not automatically create a ministerial duty; be does the use of the word “should” automatically create discretion, because the drafter of the documents clearly had no idea of the legal import of either of those phrases while drafting the Guidelines. Rather the documents, in their *entirety* must be read as a whole to determine if they are directing a staff member to behave in a specific and definite manner under specific facts and circumstances. The repeated use of bolded language throughout, the specific instruction to check the lavatory for students to teachers and staff adjacent to student lavatories, combined with the unflinching use of the term “securable location” and command to remain in place, and out of the hallways until the lockdown has completed, leaves little room for discretion or interpretation by SHE staff. The defense constantly refers to the Guidelines as opting for the “best practices” approach; but essentially no one in a position to effectuate the Guidelines did anything that would qualify as a “best practice” or an act that would in any way lead to the increased safety of students or staff. There are mandates within the security

documents regarding “Shelter in Place” which the defense conveniently left out of their Motion which give additional specific instructions.

As the defense points out in the case of *Ugrin v. Town of Cheshire*, 307 Conn. 364, 398-99 (2012); the issue was the vagueness of the letter at issue and the lack of any true “directives” which gave way for a finding of discretion on the part of the court. Here the documents are voluminous, they take into account almost every scenario, and specifically assign to individuals very specific mandates of behavior that must be followed in the case of an emergency. The Defendants in the instant case did not follow these directives; they did not call for the lockdown as the Guidelines demand, no matter how clear the danger became. And for the defense to argue that the doors to classrooms ten (10) and eight (8) could not be locked as a result of Adam Lanza’s position completely discounts the extremely logical, and reasonable Protocol Janet Robinson discusses in the attached article, of locking the door upon arrival to school; as well as forgets the fact that the defense has failed to prove that the teachers to classroom eight and ten were even given keys to their classrooms in the first place; most notably Ms. Rousseau, who was merely substituting for the day. The Defendants attempt to liken the instant case to *Coley v. City of Hartford*, 312 Conn. 150, 170 (2014); but the instant case is easily distinguished from *Coley*, because *Coley* was not a case with a dearth of security details and directives, with specific and precise instructions for the municipal officers to follow in the case of an emergency, as opposed to the simple discretionary question “how much security was adequate security at a carnival?” The instant case has a litany of directives which contemplate nearly every conceivable form of emergency, including tornadoes and poison gas; and

what is expected of the staff under each circumstance. It is neither fair nor reasonable to place the emphasis on the use of individual words by a person who does not understand the legal significance of those words; one must instead look to the whole of the directive and ask if there really is room for “discretion” among the staff when implementing same; and particularly when the Guidelines come complete with their own bolded, underlined warning that failure to follow will likely lead to the very harm suffered.

As aforementioned, to state that in order to enact a CODE BLUE lockdown required an announcement by the Principal over the P.A. system is blatantly contradicted by the first and second sentences of both the CODE BLUE and regular Guidelines. The Defendants bring up the issue of “abject terror” which the teachers and staff must have faced on the date in question, and during the attack, and use same as a reason to explain why the doors to classrooms eight (8) and ten (10) were not locked; combined with alleged need to go out into the hallway where Adam Lanza was firing his gun without hesitation. This argument must fail two-fold; first in the fact that a number of staff, including the “Incident Commander” (Principal Dawn Hochsprung), the “Planning -Intelligence Section” of the Incident Command System in place at SHE that day (Lead Teacher, Natalie Hammond), and “ICS Log/CPS Detail” (Mary Sherlach) did precisely that; went out into the hallway with an active shooter present. As aforementioned, the bravery this must have required, to knowingly enter such a situation is not in question, what is in doubt is the whether other action was mandated given what they knew at that time; and the statement by Kris Feda (yet another member of the Incident Command System present within Conference Room 9 that morning) that upon the

exit of her co-workers the remaining habitants of Conference Room 9 “took cover” shows a knowledge of what was transpiring in the hallway by these individuals;

The Defendants repeatedly reference “discretion” in the implementation of the Guidelines, most notably the CODE BLUE guidelines; but they fail to cite to a single portion of the guidelines that actually allows for discretion on the part of any staff member. Again, if we are to take the Guidelines as written as a whole and suspend for a moment the use of the word “should” vs. the use of the word “shall” within same, and instead look to the drafters use of bold lettering, and underlining, and the total lack of decision making contained within the CODE BLUE Guidelines, one is hard-pressed to understand what discretion was actually available to the teachers in the situation of a CODE BLUE lockdown. Again, first it must obviously be communicated to the members of SHE; an act which apparently never took place, despite numerous opportunities for a number of specifically trained individuals to do so. But a plain reading of the CODE BLUE Guidelines, which all the Defendants’ affiants claim to be familiar with, and which all admit they never bothered to enact in the situation, combined with all the other security documents prepared by the Town for almost every conceivable emergency, taken with the records of drills, and the district-wide policy referenced by Janet Robinson, material questions abound as to what exactly prevented *someone* from Conference Room 9; with access to the intercom, and knowledge of the threat, from calling a CODE BLUE over the school P.A. But the security guidelines imposed a ministerial duty over the individuals on Incident Command System to make such an announcement,

and then the staff to follow the directions contained within same under the circumstances then and there existing.

V. Identifiable Victim and Imminent Harm

The defendants state that the identifiable victim, imminent harm exception to governmental immunity is one rarely recognized or exercised in the State of Connecticut; but then oddly, in footnote 2 on page 25 of their motion, cite to a host of cases in which the Plaintiff was permitted to proceed on identifiable victim/imminent harm grounds. Such as *Dube v. Bye*, 1999 Conn. Super. LEXIS 3367 (1999); *Rigoli v. Shelton*, 2012 Conn. Super. LEXIS 349 (1999) *Romanella v. Nielson*, 2009 Conn. Super. LEXIS 1463; *Laperle v. Woodstock Academy*, 2007 Conn. Super. LEXIS 1385 (2007), etc. While the Defendants concede that the Plaintiffs were identifiable victims as school children in school at the time of the shooting, the Defendants primary argument is that the Plaintiffs cannot prevail under this prong unless they can show “not only that it was apparent that a victim was at a risk of an imminent harm, but also that it was apparent that the defendant’s chosen response or nonresponse to the imminent danger would likely subject the victim to that harm.” *Brooks v. Powers*, 165 Conn. App. 44 (2016). The Plaintiffs do not feel this is a burden that is particularly difficult to overcome, especially given the earlier arguments made regarding just such this issue.

When Dawn Hochsprung, Mary Sherlach, Natalie Hammond, and Kris Feda heard gunfire outside the door of Conference 9; and three (3) of these members of the School’s Incident Command System chose to leave the isolation and hidden nature of Conference Room 9; where there was access to a PA system, as well as an outside telephone line; and the remainder decided to

“take cover” as opposed to alert the school to the incident as it was just beginning; any reasonable individual would have known that such action would expose the students and staff to the imminent harm waiting outside that door. Furthermore, when Natalie Hammond returned alone and with gunshot wounds; at that point it should have become even more apparent that a failure to act; a failure to call for a lockdown, or otherwise alert the school to the shooting was likely to result in serious harm and quite likely death, to the Plaintiffs and many others. But instead these individuals sat quietly and motionless within Conference Room 9 until the Police arrived, according to their own affidavits. Not one explains why they did not turn on the intercom and make an announcement to lock down the school.

The 9-1-1 records as previously referenced show that it was the parent within the room that contacted 9-1-1; a parent who would have no knowledge of the Emergency Guidelines, as parents were never made a part of the Safety Committee under CGS §10-220f. Nowhere in the Defendants’ affidavits does it explain why the Defendants took no steps, either before the Principal and Incident Commander was ultimately shot, to attempt to stop her from exiting into gunfire; or why when only one member of the Incident Command System returned, neither of the other two (2) took any steps to alert or advise the staff to lockdown their rooms as an active shooter was obviously loose in the building. As Stephen Sedensky III’s report at footnote 15 states, the intercom was apparently activated by accident, likely by the parent dialing 9-1-1 from conference room 9; but that is speculation by the Plaintiffs at this time.

What is clear from all the affidavits is that once Adam Lanza entered the building the Principal did not take the reasonable and necessary steps to protect the Plaintiffs from him; Kris Feda, upon hearing the gun fire did not attempt to stop the Dawn Hochsprung from going out into same; nor did she take it upon herself as a member of the Incident Command System to call for a CODE BLUE lockdown, either immediately following the other's departure from the room, or immediately following Natalie Hammond's return to same with gunshot wounds. This inaction should be obvious to anyone to result in a most definite and certain harm, and likely death to the Plaintiffs under the circumstances. The Plaintiffs are quite confident that under these circumstances, and taking into consideration all the evidence; including the speed with which the school had been locked down in the past during drills, as well as the policy enumerated by Janet Robinson that, so long as those teachers had keys to their doors; the Plaintiffs would have had more time; and therefore been far less likely to have been shot to death; had someone simply followed the procedures and behaved rationally under the circumstances and in the obvious best interests of the students, the Plaintiffs would still be alive.

Adam Lanza took almost six (6) minutes from the time that he had murdered Dawn Hochsprung and Mary Sherlach until he took his own life. In that time if any member of the Incident Command System had ordered the CODE BLUE lockdown from Conference Room 9; either the principal in lieu of exiting, or Kris Feda either upon hearing the gunfire, or upon the return of Natalie Hammond to Conference Room 9; the Plaintiffs would not have been subject to the imminent harm that should have been obvious to them all under the circumstances then and

there existing. All their affidavits are silent as to taking any responsibility for making the call over the loudspeaker themselves, despite all admitting learning early in the shooting of Lanza's presence, all admitting to being members of the School Crisis Team, all admitting to being familiar with the Emergency Response CODE BLUE Protocols, and all admitting to being in a conference room with access to a PA system.

VI. Adam Lanza does not relieve the Town and School of Responsibility

Although it has already been addressed in this Objection that Adam Lanza cannot be an "intervening cause" when the Plaintiffs are claiming that the violation committed by the Defendants was to the failure to properly discharge their duties when a third-party harm was obvious and apparent to the key individuals with the authority and knowledge to prevent the Plaintiffs from suffering harm at the hands of such third-party; it bears repeating one last time because the defense attempts once again to mis-frame the issues in this case. The affidavits of all the Defendants' affiants show that it did not occur to anyone, at any time to put the school into a CODE BLUE lock down, although according to one such affiant in his call to 9-1-1, the school *was* in lock down; which is in direct contradiction of what his co-affiants claim that day. The BOARD OF EDUCATION and TOWN OF NEWTOWN cannot create numerous pages of how they are to deal with potential threats ranging from strangers, bomb threats, shooters, tornadoes, poisonous gas, and other third-party causes of harm to the staff and school; and then when such an event transpires and none of the protocols are followed; and nothing is done to protect the students; and harm ensues; simply throw up their hands and claim, "well, it isn't our fault, it's the fault of the third-party." That would-

be counter-intuitive, utterly insulting to the intelligence of the Plaintiffs' as well as the memories of their children. As such, the Defendants' argument(s) that Adam Lanza's actions relieves them of responsibility for what happened on December 14, 2012 is disingenuous and illogical when one contemplates the simple fact that a CODE BLUE Emergency Guideline was created for exactly such a situation, and no one, according to the defenses own affidavits, implanted, or followed it.

VII. CONCLUSION

The Plaintiffs believe that from the moment the first gunshots were fired from Adam Lanza's assault rifle that the staff, specifically in Conference Room 9, was on notice that the ministerial duty to commence a lockdown was upon them, as an armed intruder had entered the building. From that moment the questions as set forth in this objection begin to raise; questions regarding the actions of the Principal and Incident Commander, Dawn Hochsprung, the actions of other members of the School Crisis Team and Incident Command System, like Kris Feda and Natalie Hammond; whose affidavits support the very questions posed concerning their inactions. Questions about the logical and sensible protocol advanced by Dr. Janet Robinson in her public statement attached hereto and certified as a business record containing a party admission. Questions regarding whether the teachers in Classrooms eight (8) and ten (10) had keys to commence a lock down, either of their own accord after hearing the gunshots, as others had done, or after an announcement that a ministerial duty, or the protection of identifiable victims of an imminent harm required. There are more questions left unanswered by the Defendants' motion then questions answered, and their attached affidavits contradict, and raise even more concerning the two isolated

pages of security guidelines they bothered to reference, despite numerous pages of same. It is abundantly clear from the Defendants' Objection that material questions of fact exist regarding all these issues and more; and that the Plaintiffs are entitled to have a jury decide same; either as the victims of the unperformed security measures as a ministerial duty imposed upon the staff; especially when read as a whole, and in conjunction with the rest of the Security Documents; or as identifiable victims who were immediately subject to an imminent harm; and whom for nothing was done to protect them. As well as the issue of whether the teachers in their classrooms even could protect them/had keys, and the sensible Protocol listed by Janet Robinson which, if the teachers in classrooms eight (8) and ten (10) did in fact possess keys; they instead failed to follow as ministerial and germane to the deaths of the Plaintiffs. And of course, if they did not have keys, was a breach by the administration of a clear ministerial duty to provide same. Regardless, the Defendants' Summary Judgment must fail, as they did not dispose of all issues of material fact or come close to "showing what the likely truth was that day" and therefore the Plaintiffs are entitled to proceed to a jury.

RESPECTFULLY SUBMITTED
THE PLAINTIFFS

By s/426709/
Devin W. Janosov, Esq.
Donald A. Papcsy, Esq.
Papcsy Janosov Roche
53 East Ave.
Norwalk, CT 06851
Juris No.: 428746

ORDER

The Plaintiffs Objection, having been heard by this court is hereby:

SUSTAINED/OVERRULED

Clerk/Judge of the Superior Court

CERTIFICATION

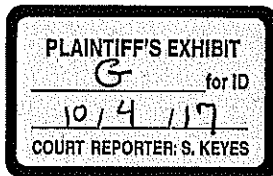
This is to certify that a copy of the foregoing, has been sent to all counsel of record and pro se parties in the above titled action, on the date marked hereon:

Charles Deluca, Esq.
John Cannavino, Esq.
Ryan, Ryan, Deluca, LLP
707 Summer Street
Stamford, CT 06901

Monte Frank, Esq.
Pullman and Comely
850 Main St.
Bridgeport, CT 06604

s/426709/
Devin Janosov

EXHIBIT A



1	District Contact Information Incident Command System (ICS) Evacuation/Relocation
2	Emergency Response Guidelines
3	Bomb Threat, Explosive Devices & Terrorism Guidelines
4	Hazardous Materials (HAZ-MAT) Air Crash Guidelines
5	Fire and Gas Leak Guidelines
6	Evacuation & Perimeter Guidelines
7	Tornados, Hurricanes, High Wind & Earthquake Guidelines
8	Attempt Suicide Guidelines
9	Unidentified Person Guidelines
10	Seizures & Other Medical Issues Guidelines
11	Student & Staff with Special Considerations
12	Miscellaneous Forms, Reports & Memos

A-317

NEWTOWN PUBLIC SCHOOLS DISTRICT EMERGENCY CONTACT INFORMATION

MISSION STATEMENT

A goal of the Newtown Board of Education is creating a positive school environment where learning can take place in a safe and secure climate. In order to ensure that the school environment is safe for all students, the Newtown Public Schools have the capacity to deal with a crisis and emergencies when they occur. It is important that every staff member has an understanding of district and school plans regarding emergencies, and understands his/her responsibilities. Building personnel who know the students, parents and school community are best able to provide direction and support in times of a crisis. School-based teams can react quickly, respond in a professional and individualized manner, and continue to monitor the after-effects of a crisis. This guide is intended to provide both essential information and instructions to enable a school to respond appropriately in case of an emergency and to provide information on prevention, intervention, and post-crisis planning.

DISTRICT EMERGENCY RESOURCE CONTACT INFORMATION

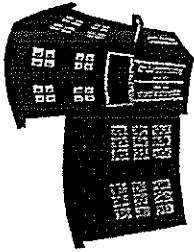
Newtown Police, Fire, and Emergency Services.....	911
Newtown Police Business Line.....	(203) 426-5841
Newtown Fire Marshall (William Hallstead).....	(203) 270-4370
Superintendent of Schools (Janet Robinson).....	(203) 426-7620
Assistant Superintendent (Linda Gejda).....	(203) 426-7621
Director of Business (Ronald Bienkowski).....	(203) 426-7618
Director of Security (Mark Pompano).....	(203) 948-3341
Director of Buildings & Grounds (Gino Faiella).....	(203) 948-3332
Transportation Department	(203) 948-3935
District Nurse Supervisor (Dee Cupole).....	(203) 426-7649
Director of Technology (Camella Amodeo).....	(203) 270-6132

NEWTOWN PUBLIC SCHOOLS

Newtown High School.....	(203) 426-7647
Newtown Middle School.....	(203) 426-7642
Reed School.....	(203) 270-4880
Hawley School.....	(203) 426-7666
Head O'Meadow School.....	(203) 426-7670
Middle Gate School.....	(203) 426-7662
Sandy Hook School.....	(203) 426-7657

A-318

SANDY HOOK SCHOOL RELOCATION SITES



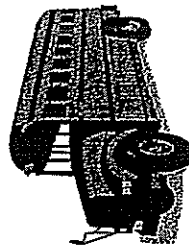
Sandy Hook Volunteer Fire Department

18 Riverside Road, Sandy Hook, CT 06482



Newtown High School Gymnasium

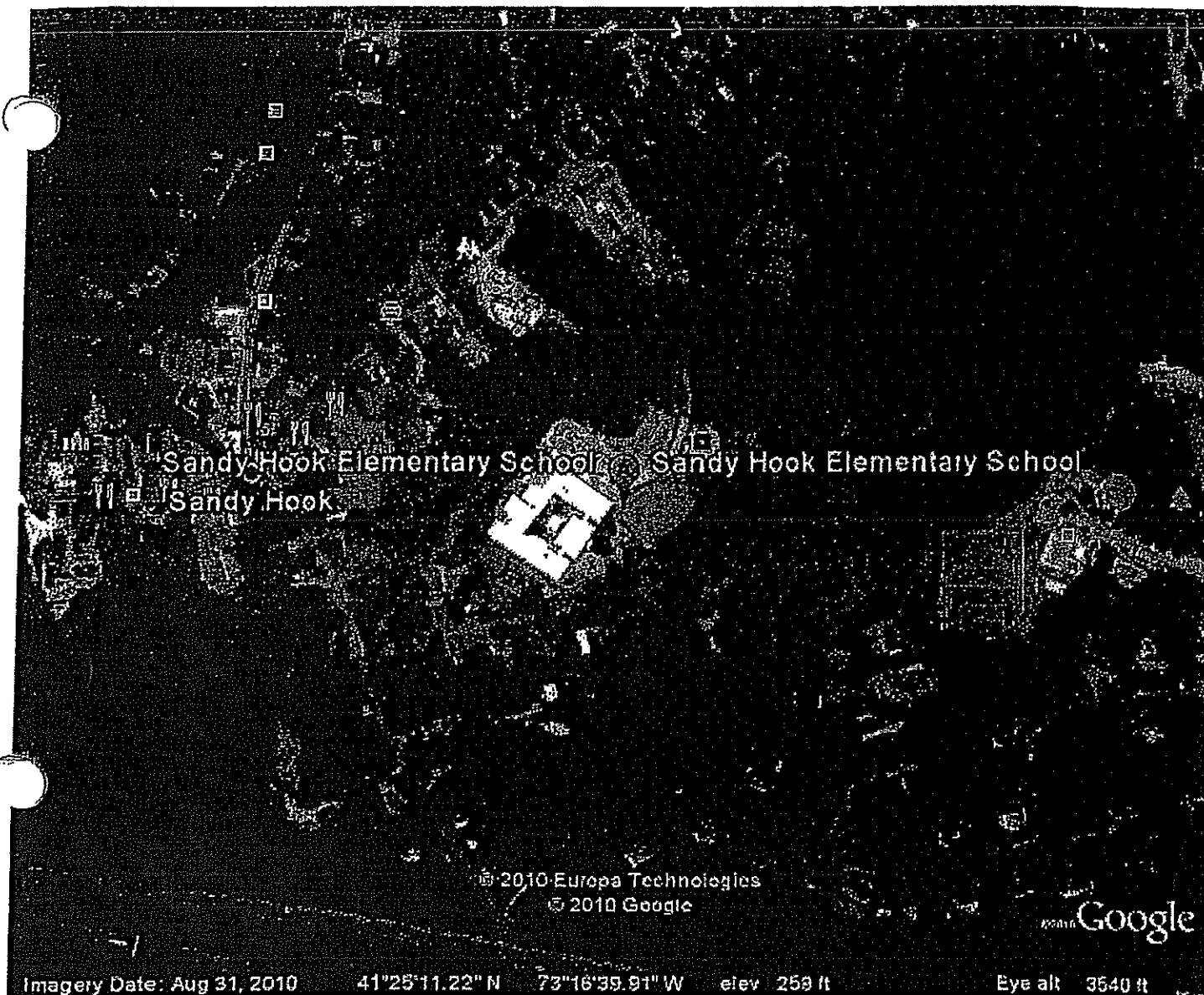
12 Berkshire Road, Sandy, CT 06482



Off Campus Student Bus Pickup Location #1

Sandy Hook FD, 18 Riverside Road

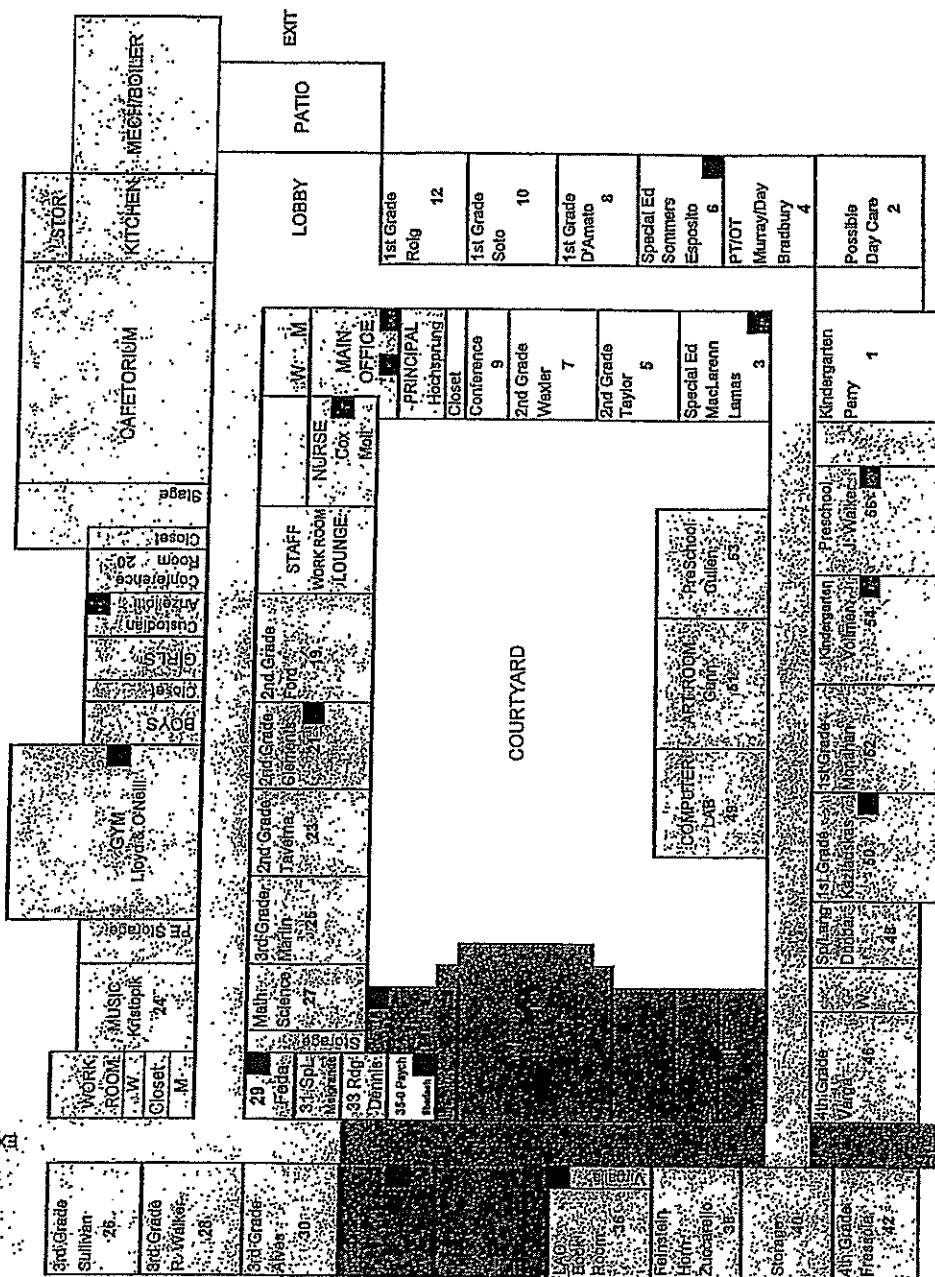
A-319



HELICOPTER
INFO

A.320

SANDY HOOK SCHOOL EMERGENCY DRILL



2012-2013	
SANDY HOOK ELEMENTARY	
NO. OF CLASS RM	38
FACILITY SIZE SQ FT	69,023
LOT SIZE ACRES	12.13
NO. OF PARKING	97

MODULAR

Mary Sherlach
Katie Feda
Becky Vignella
Kevin Anzellotti
Dawn Hochsprung -
cover any sweep area

**INCIDENT COMMAND SYSTEM
SANDY HOOK ELEMENTARY SCHOOL**

INCIDENT COMMANDER
Principal – Dawn Hochsprung

INFORMATION OFFICER
DR. JANET ROBINSON
SUPERINTENDENT

LIAISON OFFICER
JOANNE DIDONATO

EXECUTIVE OFFICER
MARK POMPANO
SECURITY DIRECTOR

OPERATIONS SECTION
Principal – Dawn Hochsprung

SECURITY DETAIL
Kevin Anzellotti

MEDICAL DETAIL
Sally Cox

PLANNING-INTELLIGENCE SECTION
Lead Teacher – Natalie Hammond

ICS LOG / CP DETAIL
Kris Feda
Becky Virgalla
Mary Sherlach

TRANSPORTATION DETAIL
Joanne Didonato

LOGISTICS SECTION
Head Custodian – Kevin Anzellotti

CUSTODIAN DETAIL
Andy Spencer
Rick Thorne
Gene Schaniel

A-322

INCIDENT COMMAND SYSTEM OVERVIEW

Prepared by
Mark Pompano, Director of Security, Newtown Public Schools

BASIC PRINCIPLES AND FEATURES

The Incident Command System (ICS) is a field management system that has a number of basic system features. Because of these features, ICS has the flexibility and adaptability to be applied to a wide variety of incidents and events both small and large.

Four Functions. ICS always incorporates at least four management functions, which are Command, Operations, Logistic, and Planning/Intelligence. These are always used but a single person can manage all when an incident is small. As an incident grows and the Incident Commander (I/C) becomes overwhelmed by a particular function, the I/C then appoints a person to that function to allow the I/C to again be in control of the incident and all resources assigned.

Management by Objectives. Management by objectives allows the I/C to set and monitor the progress being made at an incident. In order to set appropriate objectives the I/C must first understand the School and/or Board of Education's policy covering a particular incident. In accordance with policy the I/C sets the objectives, the strategy, and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the appropriate resources, and monitoring performance.

Unity of Command. In any organization unity and chain of command must be established. In ICS, unity of command means that every individual has a designated supervisor. Chain of command means that there is an orderly line of authority within the ranks of the organization with lower levels subordinate to, and connected to, higher levels. In ICS, information can flow freely but all orders, missions, and requests for resources must follow the chain of command.

Most Qualified Person. The highest-ranking person at the scene that has jurisdiction for the incident usually establishes command. In ICS however, the most qualified person based on training and experience staffs all positions. This philosophy should be followed as long as it does not interfere with School or Board of Education policy.

Transfer of Command. Transfer of command may take place for several reasons and must be done effectively and efficiently. Transfer of command may occur when a more qualified person assumes command, a jurisdictional or agency change in command is legally required or makes good management sense, or a regular shift change occurs during an ongoing incident.

Unified Command. Unified command is an ICS management process that allows all agencies that have functional responsibility for an incident to jointly develop a common set of incident objectives and strategies. This is accomplished without losing or giving up agency authority, responsibility, or accountability. It also allows agencies having a legitimate responsibility at an incident to be part of the Incident Command function.

Under a Unified Command, the following always applies:

- The incident will function under a single, coordinated Incident Action Plan.
- One Operations Section OIC will have responsibility for implementing the IAP.
- One Incident Command Post will be established.

INCIDENT COMMAND SYSTEM (con't.)

Form Follows Function. One of the misconceptions of ICS and the SEMS law is that personnel will be more involved in making charts than handling the problem. This could not be further from the truth. ICS adheres to the form follows function philosophy. In other words, the organization at any given time should reflect only what is required to meet planned tactical or operational objectives.

Span of Control. In any organization a proper span of control must be maintained or it renders the organization ineffective. Span of control pertains to the number of individuals that one supervisor can effectively manage. In ICS, the span of control should remain between three to seven (3-7) individuals reporting to a supervisor. The optimum span of control is one to five. If the organization exceeds this amount, an adjustment in the organization should be made.

Common Terminology. In order to allow different agencies, entities, jurisdictions, and disciplines to work together, ICS has established common terminology that all will understand. Common terminology is applied to organizational elements, position titles, and facilities.

COMMON RESPONSIBILITIES

The following are responsibilities applicable to all ICS personnel:

1. Receive assignment, notification, reporting location, reporting time, and travel instructions from home agency.
2. Upon arrival at the incident, check-in at designated locations. Check-in locations may be found at:
 - Incident Command Post
 - Base or Camps, Staging Areas, Helibases
 - Division / Group OICs (for direct line assignments).
3. Agency representatives from Assisting or Cooperating agencies report to the Liaison Officer at the Command Post after checking in.
4. Use clear text and ICS terminology (no codes) in all radio transmissions.
5. Receive briefing from immediate supervisor.
6. Acquire work material.
7. Organize, assign, and brief subordinates
8. Complete reports required of the assigned position

UNIT STAFF MEMBER-IN-CHARGE RESPONSIBILITIES

Common responsibilities that must be accomplished by all Unit Staff Member's in Charge include (these responsibilities are not repeated in each Unit listing):

1. Participate in incident planning meetings, as required
2. Determine current status of activities
3. Confirm dispatch and estimated time of arrival of staff and supplies
4. Assign specific duties to subordinates, supervise subordinates
5. Determine resource needs
6. Maintain unit records, including Unit / Activity Log (ICS form 214)

INCIDENT COMMAND SYSTEM (con't.)

INCIDENT COMMANDER

The Incident Commander's (I/C) responsibility is the overall management of the incident. At most incidents, a single I/C carries out the necessary command activity. The I/C is selected by qualifications and experience.

The Incident Commander may have a deputy, who may be from the same agency, or from an assisting agency. Deputies must have the same qualifications as the person for whom they work, as they must be prepared to take over the I/C position at any time. Deputies may also be used at section and branch levels of the ICS organization.

The Incident Commander's duties and responsibilities include, but are not limited to:

- a. Review common responsibilities
- b. Assess the situation and/or obtain an incident briefing from the prior I/C
- c. Determine incident objectives and strategies
- d. Establish the immediate priorities
- e. Establish an Incident Command Post
- f. Establish an appropriate organization (form follows function philosophy)
- g. Ensure planning meetings are scheduled as required
- h. Approve and authorize the implementation of an Incident Action Plan (IAP)
- i. Ensure that adequate safety measures are in place
- j. Coordinate activity for all command and general staff
- k. Coordinate with key people and officials
- l. Approve requests for additional resources and requests for release of resources
- m. Keep appropriate higher level personnel informed of incident status (i.e. Superintendent)
- n. Approve the use of volunteers and auxiliary personnel
- o. Authorize release of information to the news media
- p. Ensure Incident Status Summary (ICS form 209) is completed and forwarded
- q. Order the demobilization of the incident when appropriate

INFORMATION OFFICER

The Information Officer (I/O) is responsible for developing and releasing information about the incident to the news media, to incident personnel, and to other agencies and organizations.

Only one Information Officer will be assigned for each incident, including incidents operating under Unified Command and multi-location incidents.

The Information Officer's duties and responsibilities include:

- a. Review common responsibilities
- b. Determine from the Incident Commander any limits on the release of information
- c. Develop material for use in media briefings
- d. Inform media and conduct media briefings

INCIDENT COMMAND SYSTEM (con't.)

LIAISON OFFICER

Incidents that are multi-jurisdictional, or have several agencies involved, may require the establishment of the Liaison Officer position to assist the Incident Commander. The Liaison Officer is the contact person from the personnel assigned to the incident by assisting or cooperating agencies. The person selected to serve as Liaison Officer must be someone other than those on direct tactical / operational assignments or those involved in a Unified Command.

Only one Liaison Officer will be assigned for each incident. The Liaison Officer may have assistants as necessary, and the assistants may also represent assisting agencies.

The duties and responsibilities of the Liaison Officer include:

- a. Review common responsibilities
- b. Provide a point of contact for assisting and cooperating agency representatives
- c. Maintain a list of assisting and cooperating agencies and agency representatives
- d. Assist in establishing and coordinating inter-agency contacts
- e. Keep agencies supporting the incident aware of incident status
- f. Participate in planning meetings

EXECUTIVE OFFICER

The Executive Officer position has been added by the Newtown Public Schools. The person appointed to this position must be completely familiar with the Incident Command System (ICS) and must have experience in Command Post operations. The Executive Officer is responsible for ensuring that a smooth operation of the command post takes place and that ICS is implemented in accordance to policy and State of Connecticut law.

The Executive Officer is a member of the Command Staff and should not be considered as second in the chain of command. The Executive Officer has the authority to staff command post positions as needed and may also make staff changes to command post positions that are necessary to achieve the Incident Commander's objectives. The Executive Officer may have assistants as needed.

The duties and responsibilities of the Executive Officer include, but are not limited to:

- a. Review common responsibilities
- b. Participate in planning meetings
- c. Ensure that personnel are placed in the organization according to training / experience
- d. Assist command post personnel in understanding their particular duties / responsibilities as they relate to command post operations.
- e. Ensure that a proper information flow exists and that orders and information are disseminated appropriately

INCIDENT COMMAND SYSTEM (con't.)

OPERATIONS SECTION

OPERATIONS SECTION OFFICER-IN-CHARGE

The Operations Section Officer-in-Charge (OIC), a member of the General Staff, is responsible for the management of all tactical operation directly applicable to the primary mission. The Operations OIC activates and supervises personnel in accordance with the Incident Action Plan and directs its execution; directs the preparation of unit operational plans, requests or releases resources, makes expedient changes to the Incident Action Plan as necessary, and reports such to the Incident Commander.

The duties and responsibilities of the Operations Section Officer-in-Charge includes:

- a. Review Common Responsibilities
- b. Develop operations portion of the Incident Action Plan
- c. Brief and assign operations personnel in accordance with the Incident Action Plan
- d. Supervise operations
- e. Request resources needed to implement the operation's tactics
- f. Make/Approve expedient changes to the Incident Action Plan during operational period
- g. Approve suggested list of resources to be released from assigned status
- h. Assemble and disassemble personnel teams assigned to operations section
- i. Report information regarding changes to the Incident Commander

PLANNING SECTION

PLANNING / INTELLIGENCE SECTION OFFICER-IN CHARGE

The Planning/Intelligence Section Officer-in-Charge (OIC), a member of the General Staff, is responsible for the collection, evaluation, dissemination, and use of information about the development of the incident and status of resources. Information is needed to, 1) understand the current situation, 2) predict probable course of incident events, and, 3) prepare alternative strategies for the incident.

The duties and responsibilities of the Planning Section Officer-in-Charge include:

- a. Review common responsibilities
- b. Activate Planning Units as needed
- c. Collect and process situation information about the incident
- d. Supervise preparation of the Incident Action Plan
- e. Establish information requirements and reporting schedules for ICS elements for IAP
- f. Determine need for any specialized resources in support of the incident
- g. Assign Technical Specialists where needed
- h. Assemble information on alternative strategies
- i. Provide periodic predictions on incident potential
- j. Compile and display incident status summary information

INCIDENT COMMAND SYSTEM (con't.)

LOGISTICS SECTION

LOGISTICS SECTION OFFICER-IN-CHARGE

The Logistics Section Officer-in-Charge (OIC), a member of the General Staff, is responsible for providing facilities, services, and materials in support of the incident. The Logistics Section OIC also participates in the development and implementation of the Incident Action Plan, and activates and supervises personnel within the Logistics Section.

The duties and responsibilities of the Logistics Section Officer-in-Charge include:

- a. Review Common Responsibilities
- b. Plan organization of Logistics Section
- c. Assign work locations and preliminary work tasks to section personnel
- d. Notify Resources Unit (ReStat) of the Logistics Section units that have been activated
- e. Participate in preparation of the Incident Action Plan
- f. Identify service and support requirements for planned and expected operations
- g. Provide input to and review Communications Plan, Medical Plan, and Traffic Plan
- h. Coordinate and process requests for additional resources, including requests for personnel
- i. Advise Incident Commander on current service and support capabilities
- j. Estimate future service and support requirements
- k. Ensure general safety of all Logistics Section personnel

STAGING AREA MANAGER

Under the Logistics Section OIC, the Staging Area Manager is responsible for managing all activities within the designated staging areas. The duties and responsibilities of the Staging Area Manager include:

- a. Review Common Responsibilities and proceeds to main staging area
- b. Establish and maintain boundaries of staging areas
- c. Establish check-in / check-out function as appropriate
- d. Determine any support needs for equipment, feeding, sanitation, and security
- e. Post areas for identification and traffic control
- f. Respond to requests for resource assignments
- g. Advise the Operations Section OIC when reserve levels reach minimums
- h. Maintain Staging Area in orderly condition; Ensure ingress / egress routes are kept clear

COMMUNICATIONS UNIT OIC

The Communications Unit OIC is responsible for developing plans for the effective use of communications equipment (i.e. two-way radios), installing, testing and supervision of incident communications equipment, distribution of communications equipment to incident personnel, and the maintenance and repair of communications equipment.

A-328

INCIDENT COMMAND SYSTEM (con't.)

LOGISTICS SECTION (con't.)

MEDICAL UNIT OIC

The Medical Unit OIC, under the direction of the Logistics Section OIC, is primarily responsible for the development of the Medical Emergency Plan, obtaining medical aid and transportation for injured and ill incident personnel, and preparation of reports and records. The medical unit may also assist Operations Section in supplying medical care and assistance to victim casualties at the incident, but is **not** intended to provide medical services to members of the general public.

FOOD UNIT OIC

The Food Unit OIC, under the direction of the Logistics Section OIC, is responsible for determining feeding requirements at all incident facilities, menu planning, food preparation or acquiring food, providing potable water, and general maintenance of the food service areas.

INCIDENT FACILITIES

Within the Incident Command System (ICS), there are several different types of facilities that may be established. Not all incidents however, will require or utilize all facilities. Facilities should only be established when the incident dictates a need for a particular kind of facility. The types of facilities that are most commonly established for school incidents are:

- Command Post
- Staging Area
- Incident Base

INCIDENT COMMAND POST

The Incident Command Post (ICP) is the location at which the primary command functions are performed. The Incident Commander (I/C) will be located at the ICP. All incidents must have a designated location for the ICP. There will only be one ICP for each incident. This applies to multi-agency or multi-jurisdictional incidents operating under a single or unified command.

The initial location for the ICP should consider the nature of the incident, whether the location of the incident will expand or is moving, and whether the ICP location will be suitable in size and safety for the expected duration of the incident.

Consideration of using mobile command post vehicles should be thought of early on so as to allow time for the deployment of these vehicles.

A-329

INCIDENT FACILITIES (con't.)

STAGING AREAS

A Staging Area is a temporary location at an incident where personnel and equipment are kept while awaiting assignments. Whenever possible, Staging Areas should be located within five minutes travel time to the area of expected need.

An incident may have more than one Staging Area and can be set up to meet specific functional needs. Staging Area can be established separately for school, law enforcement and fire resources or may be set up at different geographical locations at a large incident to meet the five-minute time requirement.

Resources in a Staging Area are always on **Available** status, which means they are ready for assignment within three minutes. This is an important consideration for resource use planning and should be closely adhered to.

Staging Areas may include temporary fueling and/or sanitation facilities, and every Staging Area will have a Staging Area Manager. The Manager will be responsible to ensure the Staging Area runs as requires and adheres to the Logistics Section or Incident Commander's objectives.

INCIDENT BASE

All primary service and support for the incident are usually located and performed at the Base. Normally, the Incident Base is the location where all uncommitted equipment and personnel support operations are located.

There should be only one Base established for each incident, and the base will be designated by incident name (i.e. Newtown High School Base). As with all facilities within ICS, a manager shall be appointed for the Base and is responsible for the proper operation of the Base.

The Base Manager reports to the Logistics Section OIC.

.....
Rev. 12/2010

**NEWTOWN PUBLIC SCHOOLS
FACULTY - STAFF EMERGENCY RESPONSE GUIDE**

In Case of an Emergency...

1. Remain Calm!
2. The first person to become aware of a situation takes immediate action and/or immediately directs students and staff to safety.
3. Notify school personnel in the area of the incident/situation.
4. Notify the main office of the incident/situation.
5. Remain quiet in order to hear further instructions.
6. If possible, document the situation, the action taken, and the time of each.

Emergency Terms and Command Actions

“DROP”

This action is used to immediately protect students and staff from an explosion, gunfire, earthquakes, a tornado with no warning, etc.

When this command is given:

1. Drop to the ground under a table or desk.
2. Face away from any windows and cover eyes by leaning your face against your arms.
3. Hold on to the desk or table.
4. Stay in the “drop” position until instructed to get up.
5. If in an area without an object to drop under, just drop to floor and protect your head.
6. If outside and no cover is available, drop to the ground and lay flat (facedown).
7. Remain silent and listen for instructions.
8. Immediately following the incident, account for all persons and assess for injuries.

“SHELTER IN PLACE”

This action is used to shelter students and staff within the school building in case of a Hazardous Materials Incident (HAZ-MAT).

When this announcement is made:

1. Staff and Students should report to the designated area(s) of refuge (stairwells, etc).
2. Close all windows and doors. Seal any openings if necessary.
3. Take attendance and account for all individuals.
4. Emergency bathroom use – only use with “buddy-system”.
5. Stay away from all doors and windows.
6. Use telephones only for life-threatening emergencies.
7. Prepare for Evacuation.
8. Remain quiet and await further instructions.

"SOFT LOCKDOWN"

With the exception of Newtown High School, all other Newtown Public Schools are generally in a "Soft Lockdown" throughout the school day. This means that all exterior doors are locked, and requires visitors to ring a buzzer and/or request entry from school staff at the main entrance. A "Soft Lockdown" order should be issued when a potential but non-immanent threat exists or is perceived (example: bank robbery across town).

When a "Soft LockDown" announcement is made:

1. Administration and custodians should conduct a check of the school building perimeter to ensure all exterior doors are locked and secured.
2. A "Lockout" (*reverse evacuation*) should commence, which means all staff and students assigned to outdoor activities should immediately re-enter the school building.
3. Staff should close, secure, and lock any classroom or office windows that are accessible from the exterior of the school building.
4. Prior to resuming teaching activities, staff should review "lockdown" and "code blue lockdown" procedures with their students in case the threat becomes immanent and a full lockdown order is issued.

"LOCK DOWN-CODE BLUE"

This action is used during a present or immanent threat in order to clear school hallways and common areas of all students and staff, and to secure them inside rooms. The lockdown order should be followed by the term "**Code Blue**" if the threat is already inside the school building.

When a "LockDown-Code Blue" announcement is made:

1. If not already present within, Staff moves all students in the area to a securable room.
2. Close and lock the door.
3. Turn off all interior lights, including computers.
4. Cease all teaching activities for the duration of the lockdown.
5. Position students/occupants, and self away from "line of sight" of doors and windows.
6. Cover the door window with dark paper (provided) or other non-transparent material.
7. Draw and close window blinds (if applicable).
8. Turn off and do not allow cell phone use, including text messaging.
9. Keep classroom telephone lines clear.
10. Maintain silence and await directions from an administrator ("All Clear").

Staff members assigned to the cafeteria during a lockdown should perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown.
- Move students/occupants into the kitchen area if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

"LOCKDOWN-CODE BLUE" (Continued)

Note: Students in the cafeteria during notification of a **Lockdown-Code Blue** should not be escorted or sent back to their assigned classrooms.

Staff members assigned to outdoor student activities (Physical Education, Art, etc.) at the time a **Lockdown-Code Blue** notification is given should not attempt to bring students back inside the building. Instead, staff members should pre-designate an outdoor location away from the main school building which affords them and their students with adequate concealment and cover.

"SCAN"

This action is used in the case of a **bomb threat** and/or a suspicious object.

When a "SCAN" announcement is made:

1. Remain calm.
2. Look around the room or general area for anything that you're unable to identify.
3. Do NOT approach, move, open or touch any suspicious object.
4. Do NOT use two-way radios or cell phones.
5. If a suspicious object is located, evacuate students and staff from area accordingly.
6. Notify administration and provide a description of the suspicious object.
7. Calmly escort students to your school's outdoor evacuation area.
8. Take attendance and account for all individuals.
9. Remain quiet and await further instructions.

"EVACUATION"

This action is used to clear the school building (including temporary/portable classrooms) for any necessary reason.

When an "Evacuation" announcement is made:

1. Gather students, attendance records, and any emergency materials.
2. Take the closest and safest way out of the building.
3. Remain calm. Walk, do not run.
4. Do not stop for belongings unless instructed to do so by an administrator.
5. Escort students and self to pre-designated outdoor evacuation area.
6. Take attendance and account for all individuals.
7. Check for any injuries to students.
8. Remain quiet and await further instructions.

“LOCKOUT” (Reverse Evacuation)

This action is used when the school has been threatened from the outside, and a **“SOFT LOCKDOWN”** notification has been given. Examples of exterior threats include, but are not limited to; wild animals, non-custodial parent incidents, threats made by a former student, armed robbery or other violent crime occurring a fair distance the school campus.

When a “Lockout” announcement is made:

1. All outdoor students and staff immediately commence a **reverse evacuation**.
2. Reverse evacuate “temporary/portable” classrooms into main school building, if needed.
3. Cancel **ALL** outdoor activities until further notice.
4. Lock all exterior doors and windows, and post observers (Security, SRO, Administrator)
5. Continue normal indoor class activities.
6. Be prepared for the potential of a “Lockdown-Code Blue” announcement.

FIRST AID

1. Assess the need to render medical assistance to your student(s).
2. Establish and maintain control of the incident scene. Remove bystanders.
3. Do NOT hesitate to request assistance from the school nurse or 911.
4. If injury appears minor, utilize classroom First Aid Kit (if applicable).
5. Always use gloves when treating wounds.
6. Post incident, document your observations and actions taken.

A-334

**NEWTOWN PUBLIC SCHOOLS
EMERGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF**

Confidential

Upon notification or personal observation that an emergency situation exists, it may become necessary for school administration to commence a "lockdown" at any one of our Newtown Public Schools. Generally, this order will be announced over the school's public address system. This order will be given in the following manner; "May I have your attention please. _____ School is now in a lockdown." However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth. This announcement may also contain the term **CODE BLUE**, which signifies that the threat is currently inside the school building (please see Page 2 for additional code blue information).

Note: With the exception of Newtown High School, all other Newtown Public Schools remain in a "Soft Lockdown" mode throughout the school day because they have buzzer-camera entry systems in place.

Upon notification of a "lockdown", teachers and support staff should promptly gather their students and those in the immediate vicinity, and escort them into a classroom or securable room (faculty restroom or other area) that can be locked and secured from the inside. If your classroom is directly near a student restroom, enter the restroom and take any students with you to your classroom or securable room. All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The only staff/support staff member permitted in the hallway or another non-securable location is the School Resource Officer and/or members of law enforcement (Newtown Police Department, CT State Police). All other staff members, including school security officers, administration, and custodians shall remain in a secure location throughout the duration of the lockdown.

Once inside a securable location, staff shall complete one or more of the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computers.
3. Cease all teaching activities for the duration of the lockdown.
4. Position students/occupants, and self away from "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if applicable).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear").

Staff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown.
- Move students/occupants into the kitchen area if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Staff members assigned/holding outdoor student activities (gym class, art, etc.) at the time that a lockdown order is given should not attempt to bring students inside. Staff members should pre-designate an outdoor location away from the main school building that can sufficiently afford students concealment and cover.

Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediate proximity.

EMEGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF

Lockdown-Code Blue Guidelines for Staff

Upon notification or personal observation that an immanent emergency situation exists, it may become necessary for school administration to commence a "Lockdown-Code Blue". Generally, this order will be announced over the school's public address system and be issued in the following manner; "May I have your attention please. "_____ School is now in Lockdown-Code Blue." Depending on circumstances however, the lockdown order may also be issued by telephone, two-way radio, and/or word of mouth.

Note: If the threat is NOT immanent (threat not on, or in close proximity to campus) a "Soft Lockdown" notification should be given and initiated.

Upon a Lockdown-Code Blue notification, staff should immediately gather students, and if not already, escort them inside a classroom or securable room that can be locked and secured from the inside. In addition to classrooms and offices, most faculty lavatory doors can be locked from the inside. If your classroom is immediately adjacent to a student lavatory, you should quickly check the lavatory and escort any students found to your classroom or securable room.

All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The ONLY persons permitted in hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are law enforcement officers from the Newtown Police Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.

Once inside a securable location, staff members should complete the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computer monitors.
3. Cease all teaching activities for the duration of the Lockdown-Code Blue.
4. Position students and yourself away from the "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if available).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear" or "Code Word").

Staff members assigned to the Cafeteria during a Lockdown-Code Blue should perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown, if possible.
- Move students/occupants into the kitchen area, if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Note: Students in the cafeteria during a Lockdown-Code Blue should not be escorted or sent back to their classrooms.

Staff members assigned to outdoor student activities (Physical Education, Art, etc.) at the time a Lockdown-Code Blue order is issued should not attempt to bring students back inside the building. Instead, staff members should pre-designate an outdoor location away from the main school building that affords students and staff with adequate concealment and cover.

A-336

BOMB THREATS AND EXPLOSIVE DEVICES

TACTICAL MISSIONS (OPERATIONS)

- Provide a Situation Estimate

Radio Transmissions

- Do not transmit on two-way radios
- Turn off and do not use cellular telephones
- Use only landline telephones for communication

If a Bomb Threat is Received:

- Survey surrounding for potential dangers
- Make contact with person familiar with area
- Conduct search with person familiar with area

If a Possible Explosive Device is Found:

- Evacuate to minimum of 900 feet
- Notify Newtown Police & Fire Department
- Notify Connecticut State Police Bomb Squad
- Have gas and electricity turned off

If a Device has Exploded:

- Notify Newtown Police and Fire Department
- Evacuate Area/Be Aware of Secondary Device
- Establish and Maintain Perimeter

COMMAND/OPERATIONS POST TASKS

- Establish/Assist Command Post Operations outside of the perimeter
- Assign an NPS staff member knowledgeable of the school facility/campus to the Command Post
- Assign an NPS staff member for Sit Stat to document actions taken (ICS form 201)

NOTIFICATIONS

Newtown Police Department	911
Newtown Fire Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3341
Connecticut State Police Bomb Squad	860-537-7570

+Safety Message+

➤ DON'T TOUCH IT!!

- If you can see the device, it can see you.
- Once the area is clear, ALL personnel must stay out of evacuation area.

A-337

BOMB THREATS AND EXPLOSIVE DEVICES

RADIO TRANSMISSIONS

No two-way radio transmissions should be made in the vicinity of a potential and/or confirmed explosive device. Some devices are wired with electric blasting caps or are radio controlled. Security officers and staff are reminded that this does **not** necessitate the radio being turned off. In fact, radios should be left on to allow the monitoring of radio traffic. The danger occurs when a security officer or staff member transmits, as a radio signal is sent out upon the radio being "keyed".

Cellular telephones also have the potential to detonate an explosive device; therefore only conventional (landline) telephones should be used at the scene. The possibility of a secondary explosive device requires that the preceding communication procedures be followed whether the call is a bomb threat, a possible device, an actual device, or an explosion.

BOMB THREAT CALLS

The person taking a bomb threat via telephone must keep the caller on the line as long as possible. It is vitally important that the taker write the exact wording of the threat, and to ask the caller to repeat the message. The taker must pay particular attention to background noises, such as motors running, music playing, public-address systems, and any other noises that may give a clue as to the location of the caller. The taker must also listen closely to the caller's voice (male or female), voice quality (calm, excited, agitated), accents, and speech impediments. Questions to ask the caller include; What is your name? When is the bomb going to explode? Where is the bomb right now? What does the bomb look like? What will cause the bomb to explode? Did you place the bomb? Why do you want to hurt innocent people?

Upon arrival at or notification of a bomb threat or suspicious package, security officers and staff should immediately survey the surrounding for potential danger.

SEARCHING A LOCATION

The Administrator in charge of the location (educational facility) is responsible for determining if a search is to be conducted as a result of a bomb threat. Police and/or Fire Department personnel may recommend that a search be conducted if they believe it is advisable). The search should be coordinated from a safe location and anyone involved in the search must be admonished **not** to touch any suspected items, or activate light switches, thermostats, or other mechanisms that might trigger an explosive device.

The Superintendent shall be notified by telephone (landline only) of any developments particularly if a device or suspected device is located. The school building and/or campus should be systematically and cautiously searched beginning with public areas such as restrooms and lobbies. Searchers should be directed to report their findings to a designated "Search Team Leader". The Search Team Leader will ensure that the entire search is completed and that all relevant areas are searched.

A-338

If **NO** device is located; all parties who are aware of the search should be notified that a bomb was **NOT** found, especially the person in charge and the Superintendent. The concerned parties should be told that **NOTHING OUT OF THE ORDINARY WAS FOUND**. Do not tell the parties that the location is "safe".

SUSPECTED DEVICE LOCATED

Explosive devices can be contained in almost anything. Small bombs have been disguised in letters; others have been concealed in automobiles to create a tremendous explosion. Bombs can be detonated by a variety of methods including the slightest touch. Therefore if any device is located, **DO NOT TOUCH IT!!** Immediately notify the Newtown Police Department via landline telephone.

The initial search was performed at the option of the person (Administrator) in charge of the school facility. Once a possible device is located, the responsibility now lies with the Newtown Police Department and/or Connecticut State Police (Bomb Squad) to conduct an appropriate evacuation. If anyone refused to evacuate, a police officer has authority under the Connecticut General Statutes to evacuate an area for the public safety. During the evacuation, care should be taken to keep all persons away from windows or other objects that could cause injury in the event of an explosion.

The area should be cleared of all persons prior to the arrival of the CT State Police Bomb Squad. A quick, orderly evacuation is important because the explosive device may be on a timer. Once the area is secured, **ONLY** Bomb Squad personnel shall be allowed to enter.

RESPONDING TO THE SCENE OF A BOMBING

Personnel responding to the scene of an actual bombing should establish a command post (ICP), if the Fire Department hasn't already done so, and immediately deploy personnel for perimeter control. The perimeter should extend beyond any shrapnel dispersed by the explosion. The ICP must be outside the perimeter.

Locations where a bomb has detonated should be evacuated exactly as if a live explosive has been found. A second explosive device may be present or the first device may have only partially detonated leaving a live explosive in the bombing area.

Entry to the area should be limited to the number of persons necessary to achieve evacuation of the injured. Once the Fire Department rescue party has left, no one should be allowed to re-enter until bomb technicians have declared it safe.

Personnel at scene should attempt to locate and retrieve contact information on all witnesses. This information will subsequently be given to the lead Police Department investigator at scene.

Although the Newtown Public Schools maintains a cooperative relationship with the media, media representatives are **NOT** allowed to enter bomb scenes. Bomb explosions are a crime scene, not a disaster. Merely walking into an area may destroy or contaminate critical evidence. News media representatives should be referred to the Incident Commander or the Information Officer (PIO) if one has been assigned.

TERRORISM

TACTICAL MISSIONS (OPERATIONS)

- Contain Scene / Establish Perimeter / No Access
- Treat the area as a Haz-Mat Scene
- Obtain a thorough Situation Estimate
 - Specific location of incident
 - Type of premises and/or vehicles involved
 - Ingress/Egress routes for emergency vehicles
 - Number of additional personnel required
 - Size of the involved area (actual or potential)
 - Weather conditions, including wind direction
 - Name of ID # of material involved, if known
- Evacuate students and personnel as necessary
- Establish Operations Post upwind and uphill
- Collect witness information
- Assign a Safety Officer for School Personnel

COMMAND / OPERATIONS POST TASKS

- Assign a School Rep to the Fire Department (CP)
- Assign a person for ReStat, forward log to ICP
- Assign a person for SitStat to document actions taken. Forward log to ICP

NOTIFICATIONS

Newtown Fire Department	911
Newtown Police Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3341
National NBC Hotline	800-424-8802

+SAFETY MESSAGE+

- Be aware of possible secondary devices.
- Do not touch, cover, or move any device!
- Do not touch anyone or anything that has had contact with a chemical agent.
- If contaminated, IMMEDIATELY seek decontamination from the Fire Department.
- Use only water for self-decontamination.

A-340

HAZARDOUS MATERIALS (HAZ-MAT)

HAZ-MAT MISSIONS (OPERATIONS)

1. Situation estimate to include:

- Location of incident
- Type of incident or vehicle involved
- Hazards to personnel and vehicles
- Direction of vehicle movement (known or suspected)
- Direction of wind (actual and potential)
- Direction of traffic (actual and potential)

2. Determine if a dedicated radio frequency is available for use in the diversion and/or other operations.

3. Determine if a dedicated radio frequency is available for use in the diversion and/or other operations.

4. Determine if a dedicated radio frequency is available for use in the diversion and/or other operations.

COMMAND/OPERATIONS POSTINGS

- Establish operations postings upwind and uphill of the incident.
- Assign ROE Representative to the Fire Department.
- Assign personnel to the Fire Department.
- Assign personnel to the Fire Department.
- Assign personnel to the Fire Department.

NOTIFICATIONS

- Notify Fire Department
- Notify Police Department
- Notify Health Department
- Notify Environmental Agency
- Notify State Department
- Notify Federal Government

+SAFETY MESSAGE+

- Do not drive or walk through contaminated areas.
- Always stay upwind, uphill, and upstream of flare smoke and fluids.
- Do NOT use flares if there is any gasoline or chemicals on the ground.
- Do not eat, drink, or smoke near the scene of the incident.
- Do not touch, sample or transport any material involved in incident.
- Treat ALL materials as toxic or explosive until proven otherwise.

HAZARDOUS MATERIALS

SCHOOL STAFF FUNCTIONS & RESPONSIBILITIES AT HAZMAT INCIDENTS

The Newtown Fire Department Incident Commander has authority for controlling the incident and its effects including evacuation within the contaminated area. The School District's mission is to support the NFD Incident Commander by providing:

- A Situation Estimate

The estimate should address the following:

- Location of the incident.
 - Type of premises and/or vehicles involved.
 - Ingress/egress routes for emergency vehicles.
 - Property and/or vehicle owner's name.
 - Number of additional personnel required.
 - Size of the involved area (actual or potential).
 - Weather conditions including wind direction.
 - Staging area location.
 - Information and warning signs on containers (placards, labels, etc).
- A School District Representative to the Fire Department Incident Command Post.
 - Control of emergency vehicle ingress/egress routes outside contaminated areas.
 - Evacuation of endangered people located outside contaminated areas.

Note: Under no circumstances should school personnel enter the contaminated area. Avoid Contact with contaminated personnel who must be isolated pending de-contamination.

SCHOOL PERSONNEL SAFETY: Following are general survival guidelines to be communicated to responding officers:

- Do not drive or walk through contaminated areas.
- Always remain uphill, upwind, and upstream from contaminated areas.
- Do not eat, drink, or smoke near the scene of a HAZMAT incident.
- Do not touch, sample or transport any material or container involved in the incident.
- Treat all materials as toxic or explosive until proven otherwise.
- Crime or administrative investigations shall not commence until the area has been decontaminated.

EVACUATION PROCEDURES: The following evacuation procedures are unique to hazardous material incidents:

- The Newtown Fire Department delineates perimeters for Exclusionary (Hot) and Contamination Reduction (Warm) Zones at hazardous materials incidents.
- Evacuation of the population within these zones may be accomplished by firefighters wearing protective equipment, bullhorns or sound vehicles; police helicopter PA system from outside contaminated area, or the Emergency Alert System.
- Consideration should also be given to sheltering-in-lace whenever possible.

A-342

Hazardous Materials (cont.)

CONTAMINATED SCHOOL PERSONNEL:

- Personnel experiencing skin irritation, sore throat, dizziness or any other symptoms should leave the area immediately, as these are the initial symptoms of chemical exposure and/or poisoning.
- The Newtown Fire Department or State Health Officer may order contaminated school personnel to remove all clothing and equipment and be washed down.
- Clothing, including uniforms and equipment such as cellular telephones will be collected by the NFD, sealed in plastic bags marked "Contaminated", and held for decontamination or disposal by the Fire Department or State Health Officer.
- School personnel who have become contaminated must receive medical treatment and report the exposure to their appropriate supervisor.

SCHOOL - NEWS MEDIA RELATIONS:

Members of the news media may be restricted from a hazardous materials incident only if it is a crime scene. There is no authority to prevent news media representatives from entering the closed area when it is not crime-related. News media personnel desiring to enter a contaminated area at a non-crime incident should be advised of the dangers of contamination so far as they know. In all cases, members of the news media should be directed to the Information Officer.

A-343

AIR CRASHES

TACTICAL MISSIONS (OPERATIONS)

- Provide a detailed Situation Estimate
- Specific location of accident
- Size of the involved area
- Type(s) of structure(s) involved
- Number of injuries and deaths, if known
- Military or civilian aircraft involved
- Type of aircraft (passenger, cargo, helicopter)
- Class of aircraft (single engine, multi jet, etc.)
- Additional assistance needed (police, fire, school, medical, military, etc.)
- Best available ingress/egress routes for emergency vehicles
- Establish Perimeter No Access
- Evaluate students and personnel as necessary
- Identify and collect witness information
- Assign a Safety Officer for School Personnel

COMMAND/OPERATIONS POST TASKS

- Assign a School Rep to the Fire Department ICP
- Assign a person for ReStar, forward log to ICP
- Assign a person for SitStat to document actions taken, Forward log to ICP

NOTIFICATIONS

Newtown Fire Department	911
Newtown Police Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3811

+SAFETY MESSAGE+

~All fluids on the ground should be considered hazardous. Stay away from all fluids!

A.344

POWER FAILURE

TACTICAL OPERATIONS

- ❖ With the exception of Hawley School, Newtown Public Schools are equipped with an emergency power generating system. The school building is self-supporting and allows normal operations to continue. However, if the system fails.
- The Principal and members of the Incident Management Team (IMT) should immediately report to the pre-designated Command Post.
- All IMT members should be assigned a two-way radio and flashlight.
- Clear all hallways of staff and students.
- Shelter in Place (classrooms, care offices, etc). The IMT should verbally inform staff & students to remain where they are until further notice.
- Consider moving students in darkness to a naturally lit area in the building.
- Determine whether early dismissal or a move to an alternate site is warranted.
- Initiate a soft-lockdown of school building.

NOTIFICATIONS

Superintendent's Office 203-426-7620
 Director of Security (NPS) 203-948-3341
 Director of Transportation (NPS) 203-948-3935
 Director of Grounds & Maintenance 203-948-3882

+Health & Welfare Message+

➤ A Power Failure will also cause a disruption to the availability of potable water. Keep water usage to a minimum and give consideration to this when determining whether early dismissal is warranted.

FIRE - GAS LEAK

TACTICAL MISSIONS (OPERATIONS)

- Activate the Fire Alarm and Evacuate the School Building
- Follow the standardized evacuation guidelines posted on classroom walls, and practiced during monthly fire drills
- Faculty and staff members should be sure to follow students out of classrooms and offices to ensure that nobody is left behind
- Custodians and Security Personnel conduct a sweep of the building interior for anyone left behind (last to exit building)
- Contain the scene by establishing a perimeter of at least 100 feet from the school building, and stay clear of campus access driveways
- Direct Incident Management Team members to their designated posts equipped with a two-way radio

COMMAND / OPERATIONS POST TASKS

- Assign a person for check-in and ReStat
- Assign a SitStat person to document all actions
- Establish a Command Post well out of view of the suicidal subject
- Request Ambulance, Police and Fire Department to respond and stand by
- Following consultation with the Fire Department Incident Commander, determine whether early dismissal and/or relocation to an alternate site is warranted

NOTIFICATIONS

Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3344
Director of Transportation (NPS)	203-948-3935
Director of Grounds & Maintenance	203-948-3362

+Safety Message+

Initial Evacuation site should be upwind from the school building.

A.346

EVACUATIONS

TACTICAL MISSIONS (OPERATIONS)

- Obtain a Situation Estimate
 - Location of the emergency
 - Size of the involved area (actual or potential)
 - Area to be evacuated
 - Ingress/Egress routes for emergency vehicles, evacuation buses, and evacuation routes
 - Location of initial evacuation center and designation of unit / personnel assigned to log evacuees arrival
 - Additional school personnel required and location of staging area (Emphasize numbers of people, not units)
 - Location of Incident Command Post
 - Control of emergency vehicle ingress / egress routes, evacuation routes, and evacuation bus ingress
 - Establishment and maintenance of the perimeter around closed area
 - Classroom to classroom communication to persons within the involved area

COMMAND / OPERATIONS POST TASKS

- Assign a person for checkin and ReStat
- Assign a SitStat person to document all actions taken (ICS form 201)
- Request Ambulance, Police and Fire Department to respond and stand by

NOTIFICATIONS

Newtown Police Department	911
Newtown Fire Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-9218-3821

A.347

PERIMETERS AND TRAFFIC CONTROL

TACTICAL MISSIONS (OPERATIONS)

- Identify the size of the perimeter and broadcast the street locations of the perimeter points
- Broadcast the subject(s) description, weapon direction last seen, and reason for perimeter
- Establish/Maintain a dedicated radio frequency
- Broadcast ingress/egress restrictions for the involved area
- Provide for the rotation of personnel and equipment in the incident duration is long
- Plan for traffic diversion and broadcast information
- Stress the maintaining of perimeter integrity
- Direct personnel not needed for the perimeter to the Incident Command Post or Staging Area

COMMAND/OPERATIONS POST TASKS

- Assign a supervisor to manage the perimeter group/team
- Establish the Incident Command Post/Operations Post outside the perimeter
- Assign a person for ReStat
- Assign a person for SitStat to document actions taken. Forward log to ICP

NOTIFICATIONS

Newtown Fire Department	911
Newtown Police Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-8341

+SAFETY MESSAGE+

- ~ Establish the Command/Operations Post away from the subject's last location.
 - ~ Always stay upwind, uphill, and upstream of flare smoke and fluids.
 - ~ Do NOT use flares if there is any gasoline or chemicals on the ground.
- ~ Personnel perimeter should always maintain sight and sound contact with other personnel assigned to the perimeter.

A-348

TORNADO - HURRICANE - HIGH WIND WARNINGS

Tornados, hurricanes, and severe thunderstorms may occur in this area. Information regarding hurricanes will be broadcast on the National Weather Station and usually provides 12-24 hours of advanced warning. This does not generally constitute an in-school emergency. The Superintendent will relay information to all Principals as necessary. However, should a situation arise while school is in session, the below action should be taken:

TACTICAL MISSIONS (OPERATIONS)

- Continue normal operations, but notify your Incident Management Team of potential for severe weather.
- If the possibility of a severe weather event because more probable, open a command post and remain available to assign missions and to receive information.
- Establish and maintain communications with the Superintendent of Schools.
- Consider early dismissal if sufficient time remains, or if not, initiate Shelter in Place.
- Make public address system announcements and notify parents in a timely manner.
- If possible, advise staff and students of Duck and Cover procedures.
- When ever possible, have staff and students move to areas or refuge that are contained and have no windows (i.e. stairwells, gymnasiums).

COMMAND/OPERATIONS POST TASKS

- Assign a person for check-in and Re-Sat.
- Assign a SitStat person to document all actions taken (ICS form 204).
- Establish a Command Post in an open area.
- Request Ambulance, Police and Fire Department to respond and stand by if necessary.

NOTIFICATIONS

Newtown Police Department	911
Newtown Fire Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3841

EARTHQUAKE

TACTICAL MISSIONS (OPERATIONS)

- Shelter in Place/Duck and Cover: Advise staff and students to take shelter under desks, tables and furniture. Grip furniture legs and keep away from windows, electrical equipment and cabinets. Drop to your knees, making your body as small as possible, and bury face in arms. If outdoors, stay clear of buildings, trees, utility poles, and power lines. An open field is best location when outdoors.
- Determine a location for a temporary command post, assess the situation and assemble your Incident Management Team (ICS). Request appropriate resources.
- Identify injured person and summon medical assistance as necessary.
- Identify danger zones and establish inner and outer perimeters to control access and reduce risk.
- Shut down school ventilation system.

COMMAND/OPERATIONS POST TASKS

- Assign a person to check-in and ReStat.
- Assign a SitStat person to document all actions taken (ICS form 201).
- Establish a Command Post in an open area.
- Request Ambulance, Police and Fire Department to respond and Standby.

NOTIFICATIONS

Newtown Police Department	911
Newtown Fire Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	203-948-3644

+Safety Message+

- Because earthquakes strike without warning, the immediate need is to protect lives by taking the best available cover. All other actions must wait until tremors subside.

ATTEMPT SUICIDE

TACTICAL MISSIONS (OPERATIONS)

- Contain the scene. Establish a perimeter and restrict access to the area by unauthorized persons.
- Conduct evaluations as necessary.
- Control the subject. Do not allow person attempting suicide to have contact with anyone except the initial communicator.
- Establish contact with person attempting suicide (find out the who, what, when, where & why before making contact).
- Have containment team in place in case of early surrender by subject.
- Consider Crisis Negotiation Team.
- Obtain floor diagram if appropriate and all background information on the subject.

COMMAND / OPERATIONS POST TASKS

- Assign a person for check-in and Re-Station.
- Assign a SitStar person to document all actions taken (ICS form 201).
- Establish a Command Post well out of view of the suicidal subject.
- Request Ambulance, Police and Fire Department to respond and stand by.

NOTIFICATIONS

Newtown Police Department	911
Newtown Fire Department	911
Superintendent's Office	203-426-7620
Director of Security (NPS)	268-9218-3341

+Safety Message+

➤ DO NOT attempt to grab a jumper; the subject's momentum will pull you with them!

A-351

UNIDENTIFIED PERSONS

It is important that faculty and staff be observant and diligent in reporting any and all unidentified persons observed inside the school building, and/or loitering in or around parking lots and school grounds. Should you encounter an unidentified person(s) on your campus, it is recommended that the following action be taken:

Remain a safe distance from the person and introduce yourself. Offer assistance to the individual with your intention being to establish the purpose for his/her presence on campus.

If the person appears to have a valid reason for being on campus but does not have a visitor's pass, escort the individual to the Main Office so that he/she may sign in and obtain a visitor's pass.

If the person does not appear to have a valid reason for being on campus calmly notify the Main Office and request immediate assistance.

Safety Considerations

For your own safety and well-being, never attempt to physically "detain" an unidentified person. Use appropriate verbal communication skills in order to unwittingly gain the person's confidence, which in turn will generally result in his/her voluntarily remaining at scene until assistance arrives. If the person walks away, maintain visual contact from a safe distance and seek immediate assistance from a school administrator, security officer or fellow staff member.

In the unlikely event that an unidentified person on your campus becomes overly agitated or verbally and/or physically aggressive towards you, immediately retreat to a safe distance away from the individual. Once you have secured your own safety, summon help by contacting a school administrator, security officer or fellow staff member, and/or by contacting the police via 911.

Note

Always err on the side of caution. If you have any doubts or concerns regarding an unidentified person in your building, contact the Newtown Police Department at 911.

A-352

SEIZURE FIRST AID

Should you encounter a student or staff member that is having an apparent epileptic seizure, it is recommended that the following steps be taken:

1. **STAY CALM** - be reassuring and do not hold the victim down.
2. **PROTECT THE PERSON** – from injury by removing nearby harmful objects.
3. **LOOK FOR EPILEPSY BRACELET** – or identify card for victim.
4. **LOOSEN TIGHT NECKWEAR** – (i.e. tie, scarf, jewelry, etc.).
5. **DO NOT PUT ANYTHING IN THE PERSON'S MOUTH.**
6. **PLACE PERSON ON THEIR SIDE** – in recovery position as soon as seizure ends.
7. **STAY WITH THE PERSON** – until seizure is over and they have recovered.
8. **CALL 911 FOR MEDICAL ASSISTANCE IF:**
 - Seizure lasts more than 5 minutes.
 - There is no ID stating person has epilepsy
 - Person is not waking up or is having difficulty breathing after seizure.
 - Person is pregnant.
 - Person has injured themselves during seizure.

For Additional Information Regarding Epilepsy

Epilepsy Foundation of Connecticut, Inc.
386 Main Street
Middletown, Connecticut 06457-3360
T: (800) 899-3745
W: www.epilepsyct.net

A-353

H1N1 INFLUENZA VIRUS INFORMATION FOR STAFF

The following information was gathered from published literature and various websites. It is not intended to cover every facet of the H1N1 Influenza Virus ("Swine Flu"), but rather to serve as a guide for Newtown Public Schools employees. For more detailed information regarding H1N1 virus, please visit www.flu.gov or www.ct.gov/ctfluwatch.

Frequently Asked Questions

Can the H1N1 Influenza Virus Thrive on Environmental Surfaces?

- Yes

What Environmental Surfaces are At Risk for Contamination by the H1N1 Virus?

- Door Knobs
- Desk Tops
- Table Tops
- Computer Keyboards
- Telephones and Cell Phones
- Vehicle Steering Wheel

How Long can the H1N1 Influenza Virus Survive on an Environmental Surface?

- Influenza can survive on environmental surfaces, and can infect a person for up to 8 hours after being deposited on the surface.

How long is a Person with the H1N1 Influenza Virus Contagious for?

- A person infected with the H1N1 influenza virus should be considered potentially contagious for up to seven (7) days following illness onset (experiencing symptoms). An infected person can also infect others beginning one (1) day prior to experiencing symptoms.

How is the H1N1 Influenza Virus Spread?

- The H1N1 Influenza Virus is spread primarily from person to person through coughing and sneezing. People can also become infected by touching environmental surfaces that contain the virus, then touching their mouth or nose.

Can the H1N1 Influenza Virus be Spread through Animals or Public Water Supplies?

- No

A-354

H1N1 INFLUENZA VIRUS INFORMATION FOR STAFF - 2

What are the Signs and Symptoms of the H1N1 Influenza Virus in People?

The symptoms of H1N1 influenza virus in people are similar to the symptoms of regular human flu and include fever, cough, sore throat, body aches, headache, chills and fatigue. Some people have reported diarrhea and vomiting as well. In the past, severe illness (pneumonia and respiratory failure) and deaths have also been reported. Like seasonal flu, the H1N1 virus may cause a worsening of underlying chronic medical conditions.

In Children, emergency warning signs that need urgent medical attention include:

- Fast breathing or trouble breathing
- Bluish or gray skin color
- Dehydration
- Severe or persistent vomiting
- Not waking up or not interacting
- Flu-like symptoms improve but then return with fever and worse cough

In Adults, emergency warning signs that need urgent medical attention include:

- Difficulty breathing or shortness of breath
- Pain or pressure in the chest or abdomen
- Sudden dizziness or Confusion
- Severe or persistent vomiting
- Flu-like symptoms improve but then return with fever and worse cough

What Techniques Can be Used to Prevent the Spread of the H1N1 Influenza Virus?

- Cover your cough and sneezes.
- Wash your hands frequently with soap and hot water.
- If you have a fever, stay home for at least 24 hours after the fever has ended.
- Keep At Risk Environmental Surfaces Clean (anti-bacterial solution, bleach, etc).

Is there a Vaccine for the H1N1 Influenza Virus?

- According to the Center for Disease Control (CDC), a vaccine should be ready for human (public) administering on or around November 1, 2009.

Are there any Medicines Recommended for Use Against H1N1 Prior to a Vaccine?

According to the CDC, the following medications have proven to be somewhat effective in treating the symptoms of the H1N1 virus, when regiment began within 2 days of the onset of symptoms:

- Oseltamivir "Tamiflu"
- Zanamivir "Relenza"

A-355

H1N1 INFLUENZA VIRUS INFORMATION FOR STAFF – 3

What to Expect if a Pandemic Happens

A pandemic involving the H1N1 flu virus is likely to be a long and widespread outbreak that could mean short-term changes in many parts of our lives. The most important thing that we can do is to be prepared.

When a Pandemic Happens—

- It may be difficult to get medical care. Large numbers of sick people may overwhelm hospitals and clinics, making it difficult for them to help everybody. Many doctors and nurses may also get sick.
- Supplies and services may be limited. Many people may not be able to work, affecting how long businesses, grocery stores, banks, government offices, and other services are open.
- You may be asked to stay at home to limit the spread of the H1N1 flu virus.
- Services such as power, water, and garbage collection may not be available due to staff shortages.
- Medicines for the flu may be in short supply.
- It may be difficult to travel. Routes and schedules for buses, trains, and airplanes may change or be restricted. Gasoline may also be in short supply.

What You Can Do to Stay Healthy

- Make sure your health is as good as it can be to help fight off the flu. Eat a balanced diet, exercise daily, and get plenty of rest.
- Cough and sneeze into your upper shirt sleeve or cover your nose and mouth with a tissue.
- Wash you hands often with soap and hot water, and/or use an alcohol-based sanitizer immediately after coughing or sneezing.
- Avoid touching your eyes, nose, and mouth.
- Clean common surfaces (desktops, doorknobs, computer keyboards, telephones, etc.) with a disinfectant such as Lysol.
- Try to stay home when you are sick. If you have to be around other people try to maintain a distance.

Stock Your Home for Emergencies

- Stock up on food and water. Have enough per person for at least two (2) weeks.
- Maintain at least a two week supply of prescription and nonprescription medications, and other health supplies that you use daily or frequently.
- Stock up on items to help fight flu symptoms, such as ibuprofen or acetaminophen, cold packs, humidifiers, blankets, and liquids.
- Maintain enough cash (small bills) to purchase groceries and medical supplies.

A-356

STUDENTS - STAFF WITH SPECIAL CONSIDERATIONS

For emergency and drill purposes, it is vital that each School Principal maintain an up-to-date log containing the names, schedule / class location, and special consideration issue pertaining to students and staff members. Persons utilizing wheelchairs, crutches, or who may experience severe anxiety during crisis situations should be listed in this "Special Considerations" log.

Note - A copy of each student's schedule should be maintained with this log.

Name

Consideration

Location

A.357

INCIDENT COMMAND SYSTEM
SANDY HOOK ELEMENTARY SCHOOL

INCIDENT COMMANDER

INFORMATION OFFICER

LIAISON OFFICER

EXECUTIVE OFFICER

OPERATIONS SECTION

SECURITY DETAIL

MEDICAL DETAIL

PLANNING-INTELLIGENCE SECTION

ICS LOG / CP DETAIL

TRANSPORTATION DETAIL

LOGISTICS SECTION

CUSTODIAN DETAIL

A-358

A-259

Tactical Objectives – Order of Implementation

1.

ICS

Page 3 of 6

Prepared by:

A-360

Actions Taken

ICS

Page 4 of 6

Prepared by:

A-361

Personnel Summary

ICS Page 5 of 6	Prepared by:
--------------------	--------------

A362

AFTER ACTION SUMMARY AND ANALYSIS

A-363

**NEWTOWN PUBLIC SCHOOLS
EMERGENCY TO-GO KIT**

1. A copy of school emergency guidelines, including quick reference guides of all procedures, and telephone numbers of assisting agencies or organizations (i.e. police, fire, transportation manager, and superintendent).
2. Floor plan of school building(s).
3. Site plan of school grounds and surrounding area.
4. Photographs and/or video of interior and exterior of school.
5. Copies of all student and staff emergency contact and release information.
6. Any information regarding critical medical needs of students and staff that may be needed during an evacuation or emergency situation.
7. Current local telephone book.
8. Most recent yearbook.
9. Flashlight with extra batteries.
10. Bullhorn with extra batteries.
11. Portable radio with extra batteries.
12. Cellular telephone.
13. Whistle and/or air horn.
14. Paper and pencils.
15. Small white board and dry erase markers.
16. Whistles
17. Any additional supplies you deem necessary for an emergency.

A-364

EXEMPLAR

(Community Notification of Upcoming School Evacuation Drill)

December 21, 2012

Dear Newtown Homeowner/Resident:

On Monday, December 30, 2012, between 9:30-9:45 am, Newtown Middle School will be conducting an emergency evacuation drill. School administrators, faculty, students and staff members, as well as members of local law enforcement and transportation will be participating in the drill. As part of our off-site evacuation plan, you may observe participants walking on Grand Place. Please understand this is only a practice drill, and there is no need for concern or alarm.

If you have any questions regarding this matter, please contact Mark Pompano, Director of Security, Newtown Public Schools, at (203) 426-7646, Ext. 6121.

Sincerely,

Diane Sherlock
Principal
Newtown Middle School

A-365

EXHIBIT B

A.366

Charles A. Deluca

From: Charles A. Deluca
Sent: Monday, October 05, 2015 3:20 PM
To: 'Devin Janosov'
Cc: 'Frank, Monte E.'; Charles A. Deluca
Attachments: img-X05145156-0001.pdf

I am attaching a section of the Town of Newtown Emergency Operations Plan relating to the Newtown schools, which we recently received and which is arguably within the scope of your requests for production. This document is a part of a much larger compendium of emergency procedures dealing with various departments. I have only enclosed the section dealing with the schools.

Charles A. Deluca, Esq. | Bio
Ryan Ryan Deluca LLP
707 Summer Street
Stamford, CT 06901
Phone: 203.357.9200
Direct Dial: 203.541.5000
Fax: 203.357.7915
Email: cdeluca@ryandelucalaw.com
www.ryandelucalaw.com

The information contained in this email message is attorney/client privileged and/or confidential or proprietary, or trade secret information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone at the above number.

A-367

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN

ANNEX L SCHOOL EMERGENCY

September 2010

Submitted by:

Janet Robinson Ph.D.
Dr Janet Robinson
Superintendent of Schools

9-2-10
Date

Bill Halstead
Bill Halstead
Emergency Management Director

9-1-10
Date

Approved By:

E. Patricia Llodra
E. Patricia Llodra
First Selectman

9-9-10
Date

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

TABLE OF CONTENTS

APPROVAL	Cover
TABLE OF CONTENTS	L-3
I. AUTHORITY	L-4
II. PURPOSE	L-4
III. SITUATION AND ASSUMPTIONS	L-4
A. Situation	L-4
B. Assumptions	L-4
IV. ORGANIZATION	L-5
V. CONCEPT OF OPERATIONS	L-5
A. Increased Readiness or Watch Phase	L-5
B. Emergency Phase	L-6
C. Recovery Phase	L-8
VI. DIRECTION AND CONTROL OF OPERATIONS	L-9
VII. DEPARTMENTAL LINE OF SUCCESSION	L-9
VIII. DEPARTMENTAL TASK ASSIGNMENTS	
L-10	
A. Superintendent	
L-10	
B. Principals	L-10
C. Teachers	L-11
D. School Nurses	L-11
E. Office Personnel	L-11
F. Cafeteria Personnel	L-12
G. Custodial Staff	
L-12	
H. School Bus Drivers	L-12
IX. SUPPORT REQUIREMENTS	L-12
A. Communications	L-12
B. Access Control	
L-12	

A-369
ANNEX L – 2

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

C.	In-place Sheltering	L-13
D.	Food Preparation Facilities	L-13
E.	Emergency Power Generating Equipment	L-13

TABLE OF CONTENTS (Continued)

X.	SPECIAL REQUIREMENTS	L-13
	ATTACHMENTS:	L-14
1.	Directory-Contact Personnel	L-14
2.	Public Service Announcement L-15	
3.	Transportation Emergency Operating Procedure	L-16
4.	Mission Assignments - School System L-17	
5.	All Tasked Organizations	L-18

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

I. AUTHORITY

Title 28, Chapter 517 of the General Statutes of Connecticut, as amended; Newtown Emergency Operations Plan; Executive Orders; Town Ordinances; Charter Provisions and Special Acts as may be applicable.

II. PURPOSE

In the event of an emergency, the primary function of all school personnel is to provide maximum protection for students and to reunite students with their parents as soon as it is feasible.

III. SITUATION AND ASSUMPTIONS

A. SITUATION

The school system consists of seven (7) facilities:
(These numbers are from June 2010)

Newtown High School	<u>1,698</u>	students
Newtown Middle School	<u>896</u>	students
Middle Gate Elementary	<u>492</u>	students, plus 62 in a special program.
Head of Meadow Elementary	<u>378</u>	students
Sandy Hook Elementary	<u>622</u>	students
Hawley Elementary	<u>429</u>	students
Reed Intermediate	<u>862</u>	students

Of these 5,377 students, approximately 98% percent travel to school by bus, and 02% percent travel to school by other means. The Schools run extended programs until 6:00 p.m. during the school year and during vacation days from 7:30 a.m. to 6:00 p.m. They may hold summer sessions.

B. ASSUMPTIONS

1. In the event of an emergency requiring evacuation of the campus, a large number of individuals would have to be transported and sheltered in a short time.
2. In the event of an emergency requiring other protective actions (in-school sheltering, fire hazard, etc.) prompt in-school actions must be carried out.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

IV. ORGANIZATION

The First Selectman, or the person legally administering the office, directs and coordinates large-scale emergency actions. The Superintendent of Schools administers the School Emergency Response Plan under the direction of the First Selectman. The Superintendent has authority over principals, who direct and coordinate on-campus emergency responses as part of their responsibility for student safety and the preservation of school property. All school personnel take direction from school principals or their designees. However, under Connecticut State Statutes, fire officials have the authority to order sheltering, evacuation, or such other actions which will ensure the safety of persons attending educational institutions. Principals may assign specific emergency tasks to school personnel as the situation requires.

V. CONCEPT OF OPERATIONS

This plan is designed so that its preparedness and response components will meet the requirements of any foreseeable disaster, either those requiring coordination with other town authorities or those to which the department would respond unilaterally.

A. Increased Readiness Or Watch Phase

1. INCREASED READINESS OR WATCH

The Increased Readiness or Watch Phase is that period of time from receipt of initial notification of a potential emergency to the onset of the emergency. All divisions of town government, including external and support agencies, will be alerted to the possibility and nature of the impending emergency. The length of time in an Increased Readiness or Watch Phase may vary from a few minutes to several weeks.

2. INCREASED READINESS OR WATCH ACTIONS

(The sequence in the Increased Readiness or Watch Actions is not meant to establish priorities in performance as all actions are to be undertaken as soon as possible.)

- a. The First Selectman, or anyone legally administering the office, will call together town department and division heads, including the Superintendent of Schools, and brief them on the situation.
- b. Following the briefing, the Superintendent of Schools will review his/ her responsibilities outlined in the Emergency Operations Plan and this annex.
- c. The Superintendent of Schools will take all necessary steps to safeguard the school population at any time school is in session.

A-372
ANNEX L – 5

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

- d. School principals will monitor the NOAA Weather Radio on 162.40 MHz and the local Emergency Alerting System (EAS) radio stations.
- e. If school is not in session, the Superintendent may notify the appropriate radio stations to broadcast a no-school announcement.

B. Emergency Phase

1. EMERGENCY PHASE

- a. The Emergency Phase is that period of time during which the emergency is occurring, with or without warning. Action will be taken immediately to evaluate the emergency, warn the population of the town, and make use of all available personnel, equipment and resources to minimize the effects of the disaster on the community.
- b. "WARNING" means that the emergency is imminent or actually under way.
- c. The Superintendent of Schools will proceed to the Emergency Operations Center where, under the direction of the First Selectman, he / she will relay information and instructions to each principal.
- d. School principals will monitor local Emergency Alerting System (EAS) radio stations. They will conduct emergency operations (release students, evacuate, take shelter, or stand by) under the direction of the Superintendent, in a manner which will maximize the safety of students and staff and preserve school property.

2. EMERGENCY ACTIONS (The sequence is not meant to establish priorities.)

a. TAKE SHELTER

In the event that an immediate environmental hazard (tornado, hazardous material incident) will involve the schools in less than an hour's time, the Superintendent will advise each principal to initiate and direct a sheltering action for students and staff. Normally, the principal will transmit his/her directions to all areas of the school via the public address system or a pre-planned signal. If this system cannot be used, messengers will be dispatched along designated routes to advise teachers and staff of the impending protective action. Teachers will lead their students to shelter areas, after ensuring that the lights (except during natural gas leaks) have been turned off, windows and blinds closed, and doors closed in the classrooms they have left. Also, each teacher should take some form of attendance record from the classroom. Evacuation from in-school shelters will be initiated immediately upon warning by the appropriate fire or police authorities.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

If the threat is a blast (explosion) or overpressure (tornado) hazard and there is no time to reach designated in-school shelter area, teachers will instruct students to take shelter in the designated locations within the school which have been determined safe under the guidelines referenced in the Office of Emergency Management Advisory Bulletin 256 and/or FEMA publication TR-83B. If the threat is an airborne hazard, the take shelter protective action will consist of blocking all ventilation from the outside and waiting for instructions.

The Superintendent of Schools, or official designee, will direct principals to release the students from take shelter protective action when the situation permits. In all cases, shelters will be abandoned immediately upon the advice of appropriate fire or police authorities.

b. TEMPORARY EVACUATION

In the case of a bomb threat, explosion or fire affecting an individual school, the principal of that school will initiate and supervise the execution of the standard fire evacuation plan. Teachers are to lead students in their charge quickly and quietly along prescribed routes leaving the building. Teachers are also responsible for turning off lights (except during natural gas leaks) , closing windows and blinds, and closing the doors in the classrooms they are leaving. They will take a seating chart or class list with them to check attendance. The names of any missing students will be sent by messenger to the principal at a pre-designated outdoor Emergency Operations Center.

In the case of a bomb threat, the person receiving the threat will file a report with the Police Department. The Superintendent will make the decision to dismiss or retain the students and the principal will implement that decision.

c. FACILITY EVACUATION

In the event that an emergency situation will impact on the schools and there is sufficient lead time, the Superintendent will advise each principal to evacuate the facility under his/her authority. This action will be designated a FACILITY EVACUATION. Arrangement will be made for school buses to transport pupils, and school crossing guards and/or police to provide access control for the campus.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY

September 2010

The principal will transmit his/her directions to students and staff in all areas of the school via the public address system or a pre-planned signal. If this system can not be used, messengers will be dispatched along designated routes to advise teachers and staff of the impending protective action. Students who commute to school by bus will be readied to board buses for home. Students who commute by other means will be released if their normal means of transportation are available.

Teachers will ensure that the lights have been turned off (except during natural gas leaks), windows and blinds have been closed, and doors closed in the classrooms they have left. Each teacher will take the attendance record from the classroom for the purpose of determining that each student present on that day has been evacuated. Teachers will supervise their students' evacuation until no student remains in the school facility. Each teacher will then report his/her own destination to the principal before leaving. The Superintendent will decide when each school can be reopened for classes.

d. AREA EVACUATION

DEFINITION: For the purposes of this plan, an AREA EVACUATION is defined as an evacuation of the school wherein the students cannot be transported to their homes because of a confirmed or suspected environmental hazard in residential areas.

In the event an emergency occurs which requires that both the school and surrounding areas be evacuated, the Superintendent will designate an AREA EVACUATION under the direction of the First Selectman. This operation will be conducted in the same manner as FACILITY EVACUATION, except that all students will be evacuated promptly by bus to shelter facilities.

The principal, teachers and staff will evacuate with the students. The principal will report to the Superintendent of Schools on his/her destination. When the emergency has passed, students will be released into the care of their parents or, if possible, transported to their homes by normal means of transportation.

C. Recovery Phase

1. RECOVERY PHASE

This phase is the period immediately following the emergency when actions will be taken to restore the department, to the greatest extent possible, to normal conditions. The phase begins when the disaster has subsided to such a degree that recovery operations can begin. Actions to be taken include restoration of facilities, utilities, necessary services, food service and finally, reopening of the schools. Some recovery actions may commence during the emergency phase. All recovery actions will be directed by the First Selectman.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

2. RECOVERY ACTIONS

- a. The Superintendent of Schools will cooperate with the town Emergency Operations Center in maintaining the use of school facilities for temporary shelters, where necessary.
- b. The Superintendent will assess information supplied by the supervisor of maintenance and the custodial staff on each damaged school to determine under what conditions that school can be opened.

VI. DIRECTION AND CONTROL OF OPERATIONS

The Superintendent of Schools, acting under the direction of the First Selectman, or anyone legally administering that office, will supervise whatever phase of the plan is selected. He /she will transmit this decision from the town Emergency Operations Center to each principal, who will then be responsible for implementing that phase of the plan in the schools. Principals may designate various members of their staffs to perform specific tasks, as needed. Teachers are to remain with their students to supervise them, facilitate their movement from place to place, where necessary, and maintain attendance records.

The Superintendent of Schools will exercise control of operations from the town Emergency Operations Center, except in the case of temporary evacuation, when direction will be given from his normal work station or on site. If the Emergency Operations Center is evacuated and mobilized, the Superintendent will remain with the center when it moves.

Principals will establish an outdoor Operations Center for emergencies requiring temporary evacuation. For situations requiring full evacuation, principals will continue to give direction from their offices until the last students and staff members have left. At that time, principals will advise the Superintendent of their destinations. During a take shelter emergency, principals will shelter with students and staff, maintaining a line of communications to the Emergency Operations Center, if available.

VII. DEPARTMENTAL LINE OF SUCCESSION

In order to ensure continuity in operations of the town school system during a period of emergency resulting from a disaster (natural or human caused) the following line of succession shall prevail:

- A. First Selectman
- B. Superintendent of Schools
- C. Assistant Superintendent of Schools
- D. Director of Schools Business

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

VIII. DEPARTMENTAL TASK ASSIGNMENTS

- A. The **SUPERINTENDENT OF SCHOOLS** is responsible for, but not limited to, the performance of the following functions under this plan:
1. Develops and periodically exercises a student evacuation plan.
 2. Coordinates with the Evacuation Coordinator to work out arrangements to use school buses to transport school children and other evacuees.
 3. Coordinates with the Mass Care Coordinator to work out arrangements to use schools and/or their food stocks for mass care.
 4. Coordinates with the Mass Care Coordinator for the transport of school children to mass care facilities.
- B. **PRINCIPALS** are responsible for, but not limited to, the performance of the following functions under this plan:
1. Assisting the Superintendent in the preparation of Emergency Operations Plans for individual schools under their supervision.
 2. Notifying parents of emergency plans and obtaining information on where students are to be sent during a facility evacuation.
 3. Assigning emergency responsibilities, according to individual plans, to school personnel.
 4. Activating the evacuation or take shelter message or signal to instruct teachers to take protective action(s) for themselves and their students.
 5. Coordinating bus transportation with the First Selectman or Superintendent if area or facility evacuation is deemed necessary.
 6. Summoning school crossing guards or the police to staff access control points around the campus.
 7. Supervising plan implementation.
 8. Maintaining communications with the Superintendent in the Emergency Operations Center.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

9. Providing emergency access to school buildings during times that school is not in session.
 10. Assisting the Superintendent in determining when the school can be returned to normal use.
- C. **TEACHERS** are responsible for, but not limited to, the performance of the following functions under this plan:
1. Familiarizing themselves with the protective actions taken under each component of the town Emergency Operations Plan.
 2. Transmitting information on protective actions to students.
 3. Exercising control and discipline in their supervision of students in the evacuation and take shelter modes.
 4. Maintaining attendance records during emergencies.
 5. Taking all necessary precautions to protect the school facility.
 6. Reporting to the principal's office, if off duty when the evacuation or take shelter message or signal is sounded.
- D. **SCHOOL NURSES**, when assigned, are responsible for, but not limited to, the performance of the following functions under this plan.
1. Obtaining specialized knowledge of first aid techniques utilized during disaster conditions.
 2. During an emergency, rendering first aid, treating casualties and preparing them for transportation to a medical treatment facility.
 3. Recommending proper protective actions for the physically handicapped.
- E. **OFFICE PERSONNEL** are responsible for, but not limited to, the performance of the following functions under this plan:
1. Assisting the principal with the implementation and execution of emergency procedures.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY

September 2010

2. Maintaining records and pertinent information that may be required during an emergency.

F. **CAFETERIA PERSONNEL** are responsible for, but not limited to, the performance of the following functions under this plan:

1. Maintaining an adequate supply of food and water for emergency use.
2. Emergency feeding.
3. Rotating food and water stocks maintained for emergency.

G. The **CUSTODIAL STAFF** are responsible for, but not limited to, the performance of the following functions under this plan:

1. Preparing and posting diagrams showing shut-off valves and switches for all utilities.
2. Under the direction of the principal, attending to specific duties pertaining to the physical plant.
3. Keeping all areas free from materials and conditions which might add to an already hazardous situation.
4. Assisting the principal in preparing a damage report after the emergency is over.

H. **SCHOOL BUS DRIVERS** are responsible for, but not limited to, the performance of the following functions under this plan:

1. Obtaining and reviewing details of the plan by which they are to report to schools to evacuate students in an emergency.
2. Becoming aware of actions and alternate routes which may have to be taken during an evacuation.

IX. SUPPORT REQUIREMENTS

A. COMMUNICATIONS

The implementation of this annex (plan) requires communications and coordination support from the town Emergency Operations Center.

B. ACCESS CONTROL

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY

September 2010

If the necessity for evacuation arises, the principal will ask that school crossing guards or supernumeraries establish access control points to prevent traffic congestion around the campus from impeding the orderly entry and exit of school buses. The school department may request radio communications support if necessary.

C. IN-PLACE SHELTERING

The school department may provide support to the Health Department in the provision of facilities to be used for emergency medical, nutrition and relocation centers.

D. FOOD PREPARATION FACILITIES are available in the following schools:

Sandy Hook Elementary	Electric (not on generator)
Middle Gate School	Propane Gas
Head O' Meadow School	Electric (not on generator)
Newtown Middle School	Natural Gas
Newtown High School	Propane Gas
Reed Intermediate School	Natural Gas

E. EMERGENCY POWER GENERATING EQUIPMENT is available in the following schools: Sandy Hook School, Middle Gate School, Head O'Meadow School (well not on generator), Newtown Middle School (town water), and Newtown High School.

X. SPECIAL REQUIREMENTS

Area private and parochial schools will appoint a private/parochial school liaison to coordinate their Emergency Operations Plan with that of the public school system.

The Superintendent of Schools will maintain a log of all emergency messages received and those sent to the principals. The school principals, or their designees, will maintain a log of all messages received and sent.

This annex to the Basic Emergency Operations Plan for the Town of Newtown will become effective upon approval and signing by the Emergency Management Director, and Superintendent of Schools.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

Attachment 1

DIRECTORY-CONTACT PERSONNEL

<u>Name</u>	<u>Title</u>	<u>Telephone(s)</u>
Dr. Janet Robinson	Superintendent of Schools	H.T. 860-691-0663 B.T. 426-7621
Dr. Linda Gejda	Assistant Superintendent of Schools	H.T. 729-7808 B.T. 426-7617
Ronald J. Bienkowski	Director of Business	H.T. 270-9200 B.T. 426-7619
Gino Faiella	Building & Grounds Superintendent	H.T. 452-7719 B.T. 426-7614 426-7615 CELL 948-3332
Transportation Cathy Hydeck	Office	426-6713 Home 203-270-8857 Cell 203-948-1033
Maritza Nesvesky		Home 203-426-1886 Cell 203-948-3334

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

Attachment 2

DATE: _____

PUBLIC SERVICE ANNOUNCEMENT

The First Selectman or the Superintendent of Schools will release a media announcement advising parents on the status of school children. This announcement will provide information on what incident prompted the evacuation, which schools have been evacuated, where the students are being sheltered, when they will be released (if known), and if parents should pick them up at the shelter site. A model announcement follows:

"As a result of _____ (incident), students and faculty from the _____ School have been moved to _____. All extracurricular activities have been canceled. It is projected that students will be released at _____ AM/PM, at which time parents should come to _____ to pick them up. Stay tuned to this station for further information."

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

Attachment 3

DATE: _____

TRANSPORTATION EMERGENCY OPERATING PROCEDURES

1. The Superintendent of Schools will call the Transportation Coordinator.
2. The Transportation Coordinator will activate the plan to call drivers.
3. Buses will be sent to locations designated by the Superintendent, First Selectman or Director of Emergency Management.
- 4.
- 5.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

Attachment 4

MISSION ASSIGNMENTS

The SCHOOL SYSTEM has responsibility for:

1. Developing an annex to this Emergency Operations Plan outlining the procedures to protect the school population including students, faculty and staff. This may involve retention of the personnel in school shelter facilities or releasing them to their homes or other shelter facilities.
2. Providing effective emergency evacuation procedures for use in natural and human caused disasters and threats of disaster.
3. Dissemination of procedures to be followed by all students, parents and school personnel in disaster emergencies.
4. Providing access to school buildings during emergencies when school is not in session.
5. Cooperating with and assisting the Health Department by providing facilities for emergency medical care or emergency feeding.
6. Providing school facilities for use as shelters during emergencies and/or disasters. In a possible radiological situation, fallout shelters shall be stocked (as directed by the Chief Executive) with emergency food and water and other necessities for survival.
7. In major emergencies or disasters, providing personnel to function as shelter managers.
8. Providing school buses for emergency evacuation after student needs have been met.
9. Providing personnel for staffing the Emergency Operations Center.
10. Responsibilities as assigned to all departments, agencies and offices in the Emergency Operations Plan.

NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010

ALL TASKED ORGANIZATIONS

“All tasked organizations” include those identified above, and all other government or private sector organizations that have been assigned tasking in the Emergency Operations Plan to perform response functions.

1. Maintain current internal personnel notification rosters and SOP's to perform assigned tasks.
2. Negotiate, coordinate and prepare mutual aid agreements, as appropriate.
3. Analyze needs and determine specific communications resource requirements.
4. Work with EOC communications coordinator to ensure equipment and procedures are compatible.
5. Identify potential sources of additional equipment and supplies.
6. Provide for continuity of operations.
 - Ensure that lines of succession for key management positions are established to ensure continuous leadership and authority for emergency actions and decisions in emergency conditions.
 - Protect records, facilities, and organizational equipment deemed essential for sustaining government functions and conducting emergency operations.
 - Ensure, if practical, that alternate operating locations are available should the primary location suffer damage, become inaccessible, or require evacuation. Alternative operating locations provide a means to continue organizational functions during emergency conditions.
 - Protect emergency response staff. This includes actions to:
 - ◊ Obtain, as appropriate, all necessary protective respiratory devices and clothing, detection and decontamination equipment, and antidotes for personnel assigned to perform tasks during response operations.

***NEWTOWN, CONNECTICUT EMERGENCY OPERATIONS PLAN
ANNEX L – SCHOOL EMERGENCY
September 2010***

ALL TASKED AGENCIES (Continued)

- ◇ Ensure assigned personnel are trained on the use of protective gear, detection and decontamination devices, and antidotes.
- ◇ Provide security at facilities.
- ◇ Rotate staff or schedule time off to prevent burnout.
- ◇ Make stress counseling available.
- Ensure the functioning of communications and other essential equipment. This includes actions to:
 - ◇ Test, maintain, and repair communications and warning equipment.
 - ◇ Stockpile supplies and repair equipment.

EXHIBIT C

EMERGENCY RESPONSE PLAN

Sandy Hook Elementary School

12 Dickinson Drive

Sandy Hook, CT 06482

Emergency Resource Numbers

Unknown Persons/Intruders / Building Disruptions

Evacuation Sites and Transportation

Weather Related Emergencies

Facility Emergencies

Bomb Threats

Communicable Disease / Suicide Prevention

Issues of Death and Dying / D.N.R. Orders

All Hazards Approach

Media Crisis Communication Plan

Site Plans

A-368

PURPOSE STATEMENT

A goal of the Newtown Board of Education is creating a positive school environment where learning can take place in a safe and secure climate. In order to ensure that the school environment is safe for all students, the Newtown Public Schools have the capacity to deal with a crisis and emergencies when they occur. It is important that every staff person have an understanding of district and school plans regarding emergencies, and understands their responsibilities. Building personnel who know the students, parents and school community are best able to provide direction and support in times of a crisis. School-based teams can react quickly, respond in a personal and individualized manner, and continue monitoring the after effects of a crisis. This guide is intended to provide both essential information and instructions to enable a school to respond appropriately in case of an emergency and to provide information on prevention, intervention, and post-crisis planning.

• Newtown Police and Emergency Service	911
• Superintendent of Schools	426-7620 or 7621
• Principal	426-7657 or 7660
• Dir. of Security	426-7647 or Pager 343-1237
• Sandy Hook Main Offices	426-7657
• Buildings & Grounds	426-7614 or 7615
• Director of Business	426-7618 or 7619
• School Nurse	426-7657 or 426-2194
• School Psychologist	426-7661
• Head Custodian	426-7657
• Cafeteria	426-7659

CRISIS CODES

Shelter in Place "The Superintendent is in the building"
Evacuation "The Superintendent is out of the building"

INCIDENT MANAGEMENT TEAM

Principal
Assistant Principal
Math/Science Specialist
School Psychologist
Executive Secretary
School Nurse(s)
Head Custodian

Emergency Resource Numbers

Unknown Persons/Intruders / Building Disruptions

Evacuation Sites and Transportation

Weather Related Emergencies

Facility Emergencies

Bomb Threats

Communicable Disease / Suicide Prevention

Issues of Death and Dying / D.N.R. Orders

All Hazards Approach

Media Crisis Communication Plan

Site Plans

UNKNOWN PERSON/INTRUDERS

Staff, faculty and students should be observant at all times. Be diligent in reporting any and all unknown persons entering the school property, either in the parking lots or inside the facility.

1. Keep a cautious distance from the person while you introduce yourself and offer the person help to establish a valid or a suspicious response.
2. Go to the nearest phone and call the main office who will notify an administrator of the sighting, if the person is suspicious.

BUILDING DISRUPTIONS

RESPONDING TO A DISRUPTION ACCORDING TO THE LEVEL OF SERIOUSNESS AND INTENSITY.

LEVEL 1. When a disruption is confined to one area and there is no threat to students or staff, (e.g., intruder or verbally abusive individual):

1. Go to the nearest phone and call the main office who will then notify an administrator.
2. Indicate "Level One" as the kind of response needed and identify the exact location.
3. Containment and removal with minimum interruption of the educational processes should be the overall practice.

LEVEL 2. When disruptive forces pose a direct threat to members of the school community (e.g., threatening, suspicious or angry intruders, gang activity or possibility of weapon possession):

1. Go to the nearest phone and call the main office who will notify an administrator of the sighting.
2. Indicate "Level Two" as the kind of response needed and identify the exact location.
3. Institute classroom "lockdown" with code (to be determined) on the intercom.
4. Issue Code to notify Incident Management Team and police if necessary. (Done by office.)

Unknown Persons/Intruders / Building Disruptions

SUGGESTED EVACUATION SITES AND TRANSPORTATION

OUTDOOR EVACUATION - TEMPORARY HOLDING AREA AND EARLY DISMISSAL

1. Outdoor evacuation - temporary holding area and early dismissal. Primary holding areas are those currently in use for fire drills.
2. Secondary holding area will be along Crestwood Drive behind the school. A member of the Incident Management Team will secure that road to ensure safety of students from traffic. Classroom teachers and rest of Incident Management Team (IMT) will escort classes to designated area. Should it become necessary to transport students to Relocation Site (see below), students will be escorted to intersection of Crestwood Drive and Berkshire Road for bus pick up.

INDOOR - SHELTER IN PLACE

1. In certain emergency situations the Sandy Hook School gymnasium and cafeteria may serve as areas of refuge. These areas are large enough to accommodate all of the students and staff. They also have double exits, close proximity to bathroom facilities and a means of communication.

Relocation Sites

Newtown High School - In the event Sandy Hook School cannot be reentered, students will be transported to Newtown High School for ultimate delivery home. Buses will pick up children at the intersection of Crestwood Drive and Berkshire Road.

Evacuation Sites and Transportation

A-3911

WEATHER RELATED EMERGENCIES

EARTHQUAKE

Because earthquakes can strike without warning, the immediate need is to protect lives by taking the best available cover. All other actions must wait until the tremors subside.

1. **Shelter In Place/Duck and Cover.** Advise staff and students (code for shelter in place) to take shelter under desks, tables or furniture. Hold onto the legs of the furniture and keep away from windows, electrical equipment and cabinets. Drop to your knees, make body as small as possible, and bury face in your arms. If outdoors, stay clear of buildings, trees and power lines. Stay outdoors. Lie face down and wait for tremors to subside.
2. Determine a temporary command post and notify the Incident Management Team. Assess the situation.
3. Identify injured persons. If necessary call 911 for emergency services.
4. Identify danger zones and set up inner and outer perimeters to control access and limit risk.
5. Consider **selective evacuation** while continuing to **shelter in place**. Inspect buildings before moving.
6. Shut off ventilation system.
7. Identify and request needed resources.

TORNADO / HURRICANE / SEVERE THUNDERSTORM

Tornadoes, hurricanes and severe thunderstorms may occur in this area. Information regarding tornadoes will be broadcast on the National Weather Station and usually provides 12-24 hours of advanced warning. This does not generally constitute an in-school emergency. The Superintendent will relay information to all the principals. However, should a situation arise where you are caught in session without notice, do the following:

1. Continue normal operations and notify the Incident Management Team.
2. Open a command post and remain available to give orders and receive information.
3. Make and maintain communications with the Superintendent of Schools.
4. Try to determine the level of threat and amount of time left to react.
5. Choose either **early dismissal** if sufficient time remains, or, if not, **Shelter in Place**.
6. Make radio announcements and notify parents in a timely fashion.
7. If necessary, advise the population of **High Wind Emergency** practices. Take shelter in hallways at pre-designated locations using Duck and Cover protocol. Keep away from windows, electrical equipment and cabinets. Drop to your knees, make body as small as possible, and bury face in arms.

Weather Related Emergencies

A.392

FACILITY EMERGENCIES

POWER FAILURE

Sandy Hook School is equipped with an emergency power system. The school is self-supporting and allows normal operation. However, if this system should fail:

1. Children will be kept in their rooms monitored by appropriate staff until it is determined whether or not an early dismissal is warranted.
2. The principal and all members of the Incident Management Team will immediately report to the Main Office. The room fits the criteria for a command post and is naturally lit with a southern exposure.
3. Shelter in place. The Incident Management Team should verbally inform staff and students to remain where they are until further notice.
4. Notify and consult with Building Grounds Director (427-7614) or (426-7615) cell phone (788-3845), pager (825-6763).
5. Notify and consult with the Superintendent's office (426-7620) or (427-7621).
6. Consider moving students in darkness, if necessary, to a naturally lit area in the building.
7. Determine whether early dismissal or a move to an alternate site is warranted.
8. Notify Director of Transportation (427-7613).

FIRE / GAS LEAK

1. **Activate the fire alarm and evacuate facility. Do not use the elevators.**
No bells, switches, or electronic devices, etc. may be used.
Portable radios and cell phone communication are safe.
2. Teachers, via directions posted in every classroom, "follow" students out of classroom to assure no one is left behind. Staff and students must be at least 75-100 feet away from the structure and clear of road ways.
3. Incident Management Team is to report to their designated posts with portable radios while custodians shall check buildings for person then exit.
4. Notify Building Grounds Director (427-7614) or (436-7615) Cell phone (788-3845), pager (825-6763).
He will notify the Gas Company and the Superintendent's office at 426-7620.
5. Maintenance personnel should respond as rapidly as possible to investigate the problem area.
6. If the principal determines that the emergency will be of considerable duration, or if remaining at the school site presents a hazard, directions will be given for moving to an alternate site or dismissal.
7. All emergency early dismissals will be announced on the radio and parents will be contacted if at all possible.

Facility Emergencies

A-393

BOMB THREATS

Keep the caller on the line as long as possible. Write the exact wording of the threat. Ask caller to repeat the message. Pay particular attention to background noises, such as motors running, music playing, and any other noise which may give a clue as to the location of the caller. Listen closely to the voice (male, female), voice quality (calm, excited), accents, and speech impediments.

Questions to ask the caller:

What is your name? _____
When is the bomb going to explode? _____
Where is the bomb right now? _____
What does it look like? _____
What will cause it to explode? _____
Did you place the bomb? _____
Why do you want to hurt innocent people? _____
Number receiving the call: _____ Staff Member Name: _____

Immediately after the caller hangs up, report the information to the principal of the school.

ACTION GUIDE

1. **Establish communication and assess situation.** Principal attempts to determine, from available information (type of call, age of caller, nature of message, etc.), whether the threat is merely a hoax or a bonafide threat. In either case be prepared and immediately notify:
 - Incident Management Team (by coded message)
 - Local Police/Emergency Services (911)
 - Superintendent of Schools (426-7620).
 - State Police Bomb Squad. Optional (800-842-0200)

As soon as possible, choose one of following options:

- A. Continue program and investigate the threat.
 - B. Evacuate immediately and search after evacuation. Code (to be determined) means evacuate facility in the normal timely fashion and wait for outside resources to arrive.
 - C. Search and evacuate, if warranted. Code(to be determined) means shelter in place and stay put.
2. **Identify the Danger Zone (with option C.)** The principal should utilize the staff to assist in the search, each staff member having a pre-designated area. Stairwells and main gym are approved indoor holding areas and should be searched first. An evacuation can be accomplished expeditiously while at the same time avoiding the potential danger areas. If a suspicious item is found, leave it alone and move to the next step. Open all doors and windows if possible.

Evacuation options:

- A. Standard fire drill method of evacuation.
 - B. Extended distance evacuation to Crestwood Drive.
 - C. Inclement weather evacuation to gymnasium.
3. **Set Inner Perimeter.** The boundaries of the inner perimeter should completely isolate the danger zone, giving you the ability to control all movement in and out. This will help keep the event from escalating. Your objective at this point is containment. Give specific instructions for people to man posts.
 4. **Set Outer Perimeter.** Control movement to and from the scene. Assign personnel to perimeter posts to control access to the scene, not to deal with the situation in the danger zone.
 5. **Open a Command Post.** You should open a command post (to be determined) as soon as possible. It should be in a spot between the inner and outer perimeters where you can effectively manage the scene.
 6. **Activate Staging Areas.** Point out where resources could or should report before they are deployed.
 7. **Identify and Request Needed Resources.** As early as possible, try to assess what resources might be needed and request that they be made available. Be proactive and creative when ordering resources. Know what the district can provide, but also know what might be available through other nearby sources. Sound judgement dictates locating equipment and supplies already in the area that can be invaluable. Regardless of where the resources come from, direct them to the staging areas so they can be called upon when needed.

As soon as possible, choose one of the following:

- A. Return to normal operation. Decision made concurrently by a building principal/police.
- B. Early dismissal. Decision to be made by the superintendent.

COMMUNICABLE DISEASE REPORT

If a confirmed case of communicable disease has been reported that could affect the student population or staff, the Coordinator of Health Services, in collaboration with the School Medical Advisor, the Director of Health, and the Superintendent of Schools will take the necessary precautions to contain and/or alleviate any potential health risk.

CONTACTS

Nursing Supervisor: (426-7649)

Medical Advisor: (unlisted)

Director of Health: (270-4291)

Superintendent of Schools: (426-7620)

- Any staff member who has knowledge of a potential health risk due to a contagion to the student population or staff should report this to the school nurse immediately.
- The school nurse will take the necessary steps to confirm or deny the possible contagion by contacting the parents and advising them of the need to seek medical consultation.
- The nurse, after consulting with the school medical advisor, will exclude the student from school.
- The student will continue to be excluded until such time as the medical care provider has confirmed, in writing, that it is safe for the student to return to school.
- If there has been a potential exposure to other persons in the school, the Coordinator of Health Services, School Medical Advisor and Director of Health will collaborate on what expedient and effective procedures should be implemented.
- The private physician should notify state and local health departments of all reportable cases after consulting with the school medical advisor.
- Any release of information to the media will be made through the Office of the Superintendent.
- Confidentiality will be maintained.

A-395

YOUTH SUICIDE PREVENTION

The Newtown Public Schools believe that any school employee who may have knowledge of a student who could potentially commit suicide must take the proper steps, as specified in the Board Policy and Regulations, which include notifying the student's parents or guardians/surrogates and taking the appropriate steps to ensure the student's safety.

SOME WARNING SIGNS OR RISK FACTORS

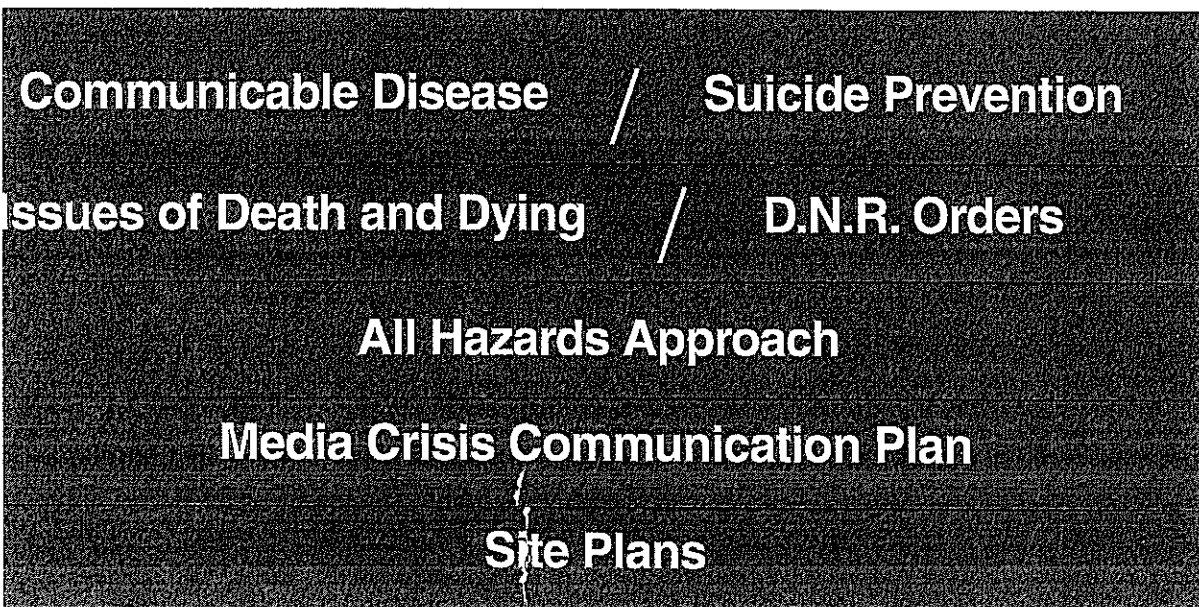
- expression of suicidal thoughts
- preoccupation with death
- abrupt changes in personality such as crying, irritability, recklessness, promiscuity, atypical sleeping or eating patterns, apathy, declining grades
- withdrawal from friends
- giving away possessions
- excessive grieving from a recent loss (e.g., death in the family or the breaking up of a relationship), previous history of suicide or suicidal gestures, feeling of worthlessness
- abuse of alcohol, or other drugs
- access to weapons, especially guns

These factors become even more significant if a parent, friend, or sibling has committed suicide.

GUIDELINES FOR REACTING TO POTENTIAL SUICIDE

If a student confides in you that he/she is contemplating suicide do not keep it a secret. Try to transfer the child's trust in you to a school specialist, (i.e., psychologist, social worker or crisis counselor) who will work with the student and involve a responsible parent or guardian in arranging for treatment outside school.

If school is not in session and there is no responsible parent or guardian/surrogate, the suicidal person needs to get to Danbury Hospital's Crisis Intervention Center via the emergency room, which is open 24 hours every day (phone 797-7899).



A-3916

ISSUES OF DEATH AND DYING AND STAFF RESPONSIBILITIES

PRINCIPAL SHOULD

1. Verify the death or situational information with family.
2. Notify other appropriate personnel who may need to check on siblings.
Call Superintendent with known information so he can be prepared for the media.
3. Call faculty meeting and alert all staff.
4. Call crisis team/caring committee coordinator to identify and assist vulnerable staff and students. Plan to offer students and staff time out, counseling, or just someone with whom to talk.
5. Work with team/committee to chair faculty/staff meeting to announce incident.
6. Draft memo for students to be read by teachers.
7. Draft a letter to parents.
8. Assist with contacting helping agencies and individuals.
9. Assist with identifying vulnerable staff and students.
10. Hold a brief end-of-day faculty meeting.
11. Arrange to return student or staff belongings in a personalized and caring manner.

GENERAL GUIDELINES

- Attempt to de-mystify the incident.
- Be honest.
- Respond to any questions asked about the incident.
- Avoid supplying graphic details.
- Remember that children often lack the sophistication to discuss death and tragedy in a sensitive way.
- Model honest expression of feelings on your own part.
- Be attentive to the non-verbal communication.
- A decrease in activity levels may indicate a strong sense of sadness or a sense of being overwhelmed.
- An increase in energy or excitability may indicate the youth's subconscious attempts to distract themselves from the reality of the events (denial).

CONCEPTS OF THE DYING PROCESS

There are four major aspects of death that children struggle to comprehend as they grow:

- Death is irreversible (permanent and final).
- Death is universal - all life will ultimately succumb to death.
- Death ends physical sensations and functioning.
- Death has specific causes, such as injury or illness.

Grieving is age-dependent. The stage of psychological development that a child has reached will affect his/her grieving.

- Children under three years old do not distinguish between death and absence.
- Children 3-5 years old begin to understand death as something that happens to others.
This group often personifies death as a person or thing. This age group still believes that death can be avoided or escaped.

A-397

- Children 5-9 begin to understand death as a personal event. Death is usually associated with injury and mutilation. Children 10 years and older generally understand death as an ultimate outcome in life.
- Adolescents often become "fixated" with death as they begin to realize that their goals will take time to achieve and death could potentially interfere with these.

POSSIBLE REACTIONS TO DEATH AND LOSS

Shock, Depression, Somatic Symptoms, Fear, Denial, Curiosity, Anger and Guilt, Sadness, Embarrassment

HELPING THE GRIEVING CHILD	
DO'S	DONT'S
<ul style="list-style-type: none"> • Understand your own feelings and comfort levels in dealing with death, offering support to others in need when appropriate. • Understand the child's developmental capacity to deal with death. • Create an open climate that encourages talking about feelings. • Express sympathy and support. • Feel free to say you don't know why the death occurred. • Encourage non-verbal expressions of grief: art, writing, music, etc. • Be honest about the facts of the death (including suicide). • Find ways to include the child in the mourning rituals. • Present death in real terms, (e.g., allow child to take in as much as he/she can) • Accept all the child's questions and answer them to the best of your ability. • Allow the child to cry and be angry and to express grief in an appropriate way. • Pay attention to behavior, especially negative behavior. The child may not be able to express feelings in words. Do set appropriate limits on behavior. 	<ul style="list-style-type: none"> • Let your discomfort prevent you from offering support. • Try to make the child "face the facts" if they seem usable. • Shut off the expression of feelings because of your own discomfort. • Avoid phrases such as, "It's God's will." "You'll get over it." • Try to make up some reason for the death. • Judge any grief expressions as "good" or "bad". • Lie to the child or avoid answering questions. • Tell the child he/she can't go because "he/she can't handle it." • Avoid euphemisms about death (e.g., sleeping, gone away, a blessing, God took) • Tell children their questions are bad or stupid. • Don't say things such as, "Boys don't cry", "Only babies cry", "Don't be sad". • Set appropriate limits and consequences; explain to the child that behavior may be a way of expressing feelings, and encourage expression of feelings.
SUICIDE RELATED DO'S AND DONT'S	
DO'S	DONT'S
<ul style="list-style-type: none"> • Respectfully, but briefly, acknowledge the suicide. • Be especially vigilant of friends of the deceased. • Be especially vigilant of at-risk students. • Try proactively to influence media coverage in order to minimize attention. 	<ul style="list-style-type: none"> • Lavish tribute or praise on the suicide victim; it is best that others see this as a route to appreciation or recognition. • Underestimate the contagion, which frequently follows publicized suicides. Be vigilant.

DO NOT RESUSCITATE ORDERS

In the event a "Do-Not-Resuscitate" order is received from a licensed physician for a student in the Newtown Public Schools, the school nursing staff may honor the order providing the following criteria are met.

1. A written order from the physician is on file in the student's health record.
2. A D.N.R. bracelet is in place on the student.
3. A copy of the "informed consent" form signed by the parent/guardian is on file in the student's health record.
4. A written emergency care plan is in place for the student.
5. A registered nurse is at the school where the student with the D.N.R bracelet is in attendance.

Adopted 3/1/00

Issues of Death and Dying / D.N.R. Orders

All Hazards Approach

Media Crisis Communication Plan

Site Plans

A-398

THE ALL HAZARDS APPROACH

The responsibility for resolving most critical incidents will reside with local public safety agencies. *Until those agencies arrive on scene*, however, the primary responders will be school administrators, faculty and staff. While district personnel may not be able to solve the problem, they can take steps to keep an incident from becoming worse. These steps are known as the *Seven Critical Tasks*.

The Seven Critical Tasks are based on the premise that since there is a similar set of characteristics at the onset of most major events, it follows that there is a similar set of responses for getting those incidents under control. The tasks are designed to be performed in the first 30 minutes or so of an incident, the time of the most confusion and danger. Each task may not be applicable for all events, but using the set as a checklist will ensure that our initial response will always be sound. The Seven Critical Tasks are as follows:

1. Establish Communications

The first step in handling any crisis is to establish communications. Set up a system that enables you to contact and stay in contact with the people with whom you need to talk. Use whatever means are at your disposal. Open phone lines, clear radio channels, identify runners to deliver messages, whatever it takes. Once communication is established, secure the lines so you always have access to them. Move normal traffic to other phones and channels. Reserve your lines for response activity only.

Besides establishing communications at the scene, a site-based Incident Coordinator (Principal) should contact the district **INCIDENT MANAGEMENT TEAM** to discuss the level of support that might be needed. Depending on the incident, a decision will be made to activate a district-level response to coordinate activities at all affected sites. Communication with the district team should be maintained throughout the incident.

2. Identify the Danger Zone

As soon as possible, identify the exact location of the danger zone, the area posing a risk to lives and property. Sometimes it is not just confined to the physical location of the problem. In a hazardous materials incident such as a chemical spill, the danger zone would be the source of the leak plus the immediate area in the direction the chemical is traveling. On a windy day, the area exposed to vapors can be large.

Once the danger zone is established, take steps to limit the risk. No one should be allowed in or out of this area unless an evacuation is necessary. People caught in a danger zone are often better off sheltering in place for the short term. If they are safe where they are, it doesn't make sense to risk moving them.

A-399

3. Set Inner Perimeter

Once the danger zone is established, immediately set up an inner perimeter. This is a strictly controlled area that seals off the area of risk. The boundaries of the inner perimeter should completely isolate the danger zone, giving you the ability to control all movement in and out. This will help keep the event from expanding beyond its original source. It will also establish a buffer around the danger zone in which to work once you begin to resolve the incident.

Remember, your objective at this point is "containment". The boundaries of the inner perimeter must be stable. Give specific instructions for people to man posts and stay there. This will limit the movement of personnel. If people are moving about, they may inadvertently expose themselves to danger and allow the seriousness of the event to escalate.

4. Set Outer Perimeter

An outer perimeter must be set to control movement to and from the scene. This is crucial because a crisis will attract all sorts of crowds, typically media, distraught parents and general onlookers. Without an outer perimeter to protect the inner one, the area could become clogged with people, equipment and vehicles. This would severely limit the ability to effectively respond to the crisis. Personnel being assigned to perimeter posts should be sent to specific locations with orders to stay there. It is important to note that the outer perimeter should never be an offensive position. The job of personnel at the outer perimeter is to control access to the scene, not to deal with the situation in the danger zone.

5. Open a Command Post

A command post should be opened as soon as possible. It should be in a spot between the inner and outer perimeters where the scene can be effectively managed. A number of factors should be considered when selecting a site for the command post: good communications capabilities, good lighting and ventilation with adequate resources, access to response personnel on site as well as district-level managers in the district office. At the same time, they must have access to the command post. The command post should have adequate security. It should not be subjected to unwarranted interruptions by people not involved in the response such as media, parents and onlookers. It is not important to have a view of the danger zone.

It is a good idea that the primary and secondary sites be at opposite ends of the building or campus. That way, if the primary command post is too close to the danger zone, the secondary command post will likely be a viable alternative. Always be prepared to consider a third site in case both primary and secondary sites are threatened. Large facilities such as the high school and middle school might actually have three predetermined command posts. Just because there are predetermined sites does not mean administrators are locked into using them.

6. Activate Staging Areas

Staging areas are where all emergency resources should be sent before they are deployed. Without

(Continued on following page)

All Hazards Approach Media Crisis Communication Plan Site Plans

A-400

THE ALL HAZARDS APPROACH (continued)

these areas, resources tend to bunch up and clog the scene making an effective response almost impossible. There can be more than one staging area for each event. The number of areas activated will be determined by the type of incident, the number of resources being sent, and the geographic and logistical aspects of getting those resources to the site. When considering where to locate a staging area, several factors should be considered:

- **Size of Area** – A staging area must be large enough to accommodate many vehicles and personnel on a standby basis, such as fire trucks, heavy equipment, police, and the Life Star Helicopter.
- **Good Access** – Resources must be able to get to the staging area. Make it as easy as possible to stage resources so they can be called up as soon as they are needed. The location should allow for a quick and effective deployment. As a rule, a resource should be capable of operation within three to five minutes after being called up.
- **Security** – The staging area should be located in a spot that has little chance of becoming threatened by the event. If the area is too close to the source, it could become part of the danger zone. In a hazardous materials incident, the staging area should not be located down wind of the source.
- **A Staging Area** is often a good site for a media information center. Television reporters will want to use dramatic visuals to report a major event. Since many resources will be in the staging area, live reports can be fed using lighting from emergency vehicles.

7. Identify and Request Needed Resources

As early as possible, try to assess what resources might be needed and request that they be made available. Be proactive and creative when ordering resources. Know what the district can provide, but also know what might be available through other nearby sources.

MEDIA CRISIS COMMUNICATION PLAN

1. When a crisis occurs, the Superintendent or Assistant Superintendent should be notified and immediately obtain all the facts in concert with the building principal.
2. The Superintendent, Assistant Superintendent or their designee, the principal and others (e.g. police, fire and health officials), as needed, shall determine the action plan related to communicating the crisis and who shall be the one and only spokesperson.
3. A communication center shall be established that is isolated from the incident. Telephone lines to that office should be designated as the only lines to be used for communication purposes.
4. All issues should be reviewed such as: (a) How will the community be informed and to what degree? (b) What is the chain of communication? (c) Are there any legal considerations?
5. Once a plan has been established, all parties involved in the crisis should be informed.
6. The spokesperson is the only one to speak to and/or answer questions from the media and from the public.
7. In a crisis situation, a designated area will be identified for the media to be assigned (staging areas) until school officials can brief them.

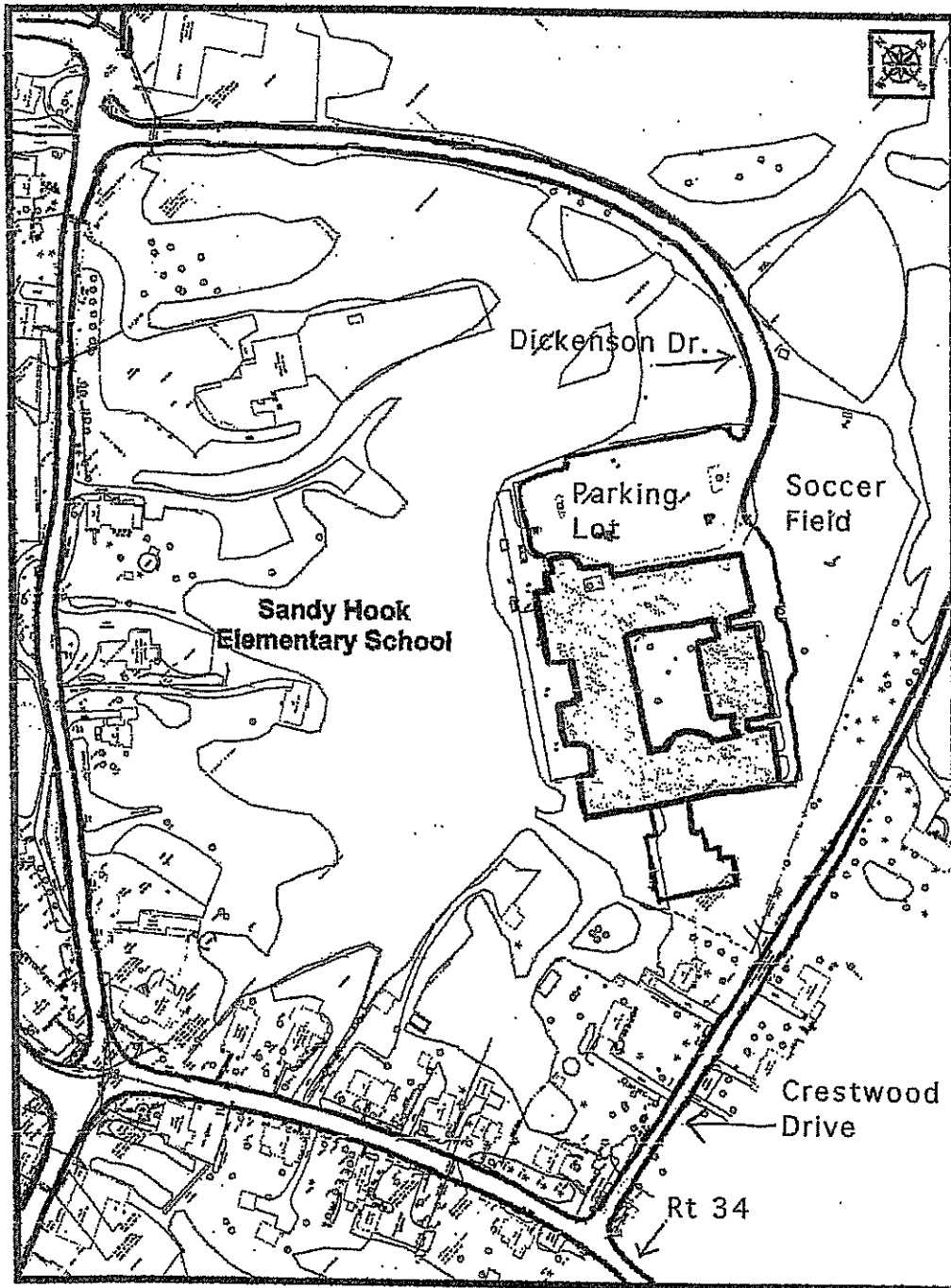
The following list of suggestions can help increase the educational aspect of the TV, newspaper, radio or magazine stories surrounding a crisis and minimize the potential emotional dangers that inadequate reporting may promote. Principals may be asked to speak to the media after the initial crisis has been managed.

1. Set policies and make decisions regarding working with the media BEFORE the occurrence of an emotional event.
2. Direct all media inquiries to the Superintendent of Schools. This avoids confusion in times of crisis and ensures consistency in the information given to the media.
3. Insist that no media representatives are to be allowed on school grounds during school hours. Provide representatives with a time and place when information will be disseminated.
4. Use clear, simple, layman terminology so the readers or viewers can understand.
5. Avoid being defensive. Do not treat the interviewer as an adversary. Acknowledge the difficulty of the media's role and take the position of helpfulness. If you do not know the answer to a question, find out and call back, or put the interviewer in contact with another resource. Place media coverage high on your list of priorities and view it as an asset to your work.
6. Use caution if the interviewer requests to be put in contact with witnesses, alleged offenders, or survivors. Your first priority is to protect your students and minimize the traumatic effects of the crisis situation.
7. Make clear before being recorded or interviewed that you do not think it will be appropriate to discuss specific details of the event (particularly suicide or weapons-related deaths). Avoid sensationalizing. General information is more beneficial.
8. Describe the roles and support of your crisis team, staff members, or community members who were helpful during the initial crisis response.
9. Do not insist on seeing questions ahead of the interview or editing the final copy. The media will only use what fits the purpose, theme or time frame of their medium.

Media Crisis Communication Plan

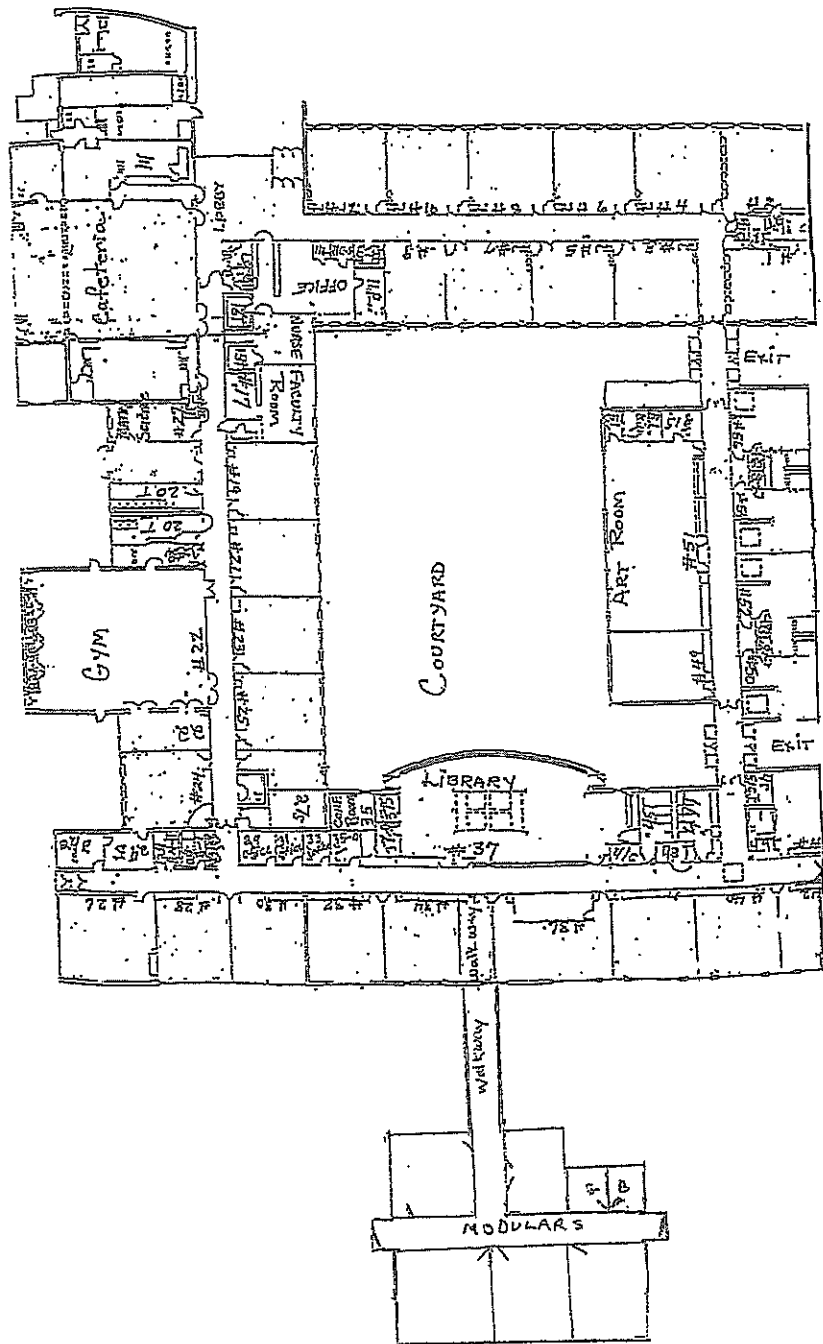
Site Plans

A-402



A-403

PARKING LOT



Site Plans

A.404

COMMENTS

Our most basic responsibility is to work diligently to ensure the safety of our students and staff. This Emergency Response Plan is part of our efforts to meet this responsibility and is to be used as a guide responding to various situations.

While not every crisis can be anticipated and a response scripted, we can have in place these guidelines for action steps. This brochure is designed to be user friendly and should be kept in a location that can be quickly accessed by staff. As we work in the years ahead, it is important we use all of our experiences to help to further refine and improve this document.

Below are listed some of the individuals who have contributed to this plan, the development of which was coordinated and led by our Director of Security, Richard Novia. Many thanks to them and to the many others who have assisted in this endeavor.

Evan Pitkoff
Superintendent of Schools

* * * *

Richard Novia, *Director of Security*
Ron Bienkowski, *Director of Business*
Dominic Posca, *Supervisor of Buildings and Grounds*
Mary Kelly, *Transportation Director*
Charles Brumley, *School Psychologist*
Michael Kehoe, *Captain, Newtown Police Department*
Henry Stormer, *Sergeant, Newtown Police Department*
Dana Schubert, *Youth Officer, Newtown Police Department*
William Hallstad, *Newtown Fire Chief*
John Basso, *Director of Newtown Emergency Services*

Comments from the Superintendent

A-405

EXHIBIT D

A-406

**NEWTOWN PUBLIC SCHOOLS
EMERGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF**

Confidential

Upon notification or personal observation that an emergency situation exists, it may become necessary for school administration to commence a "lockdown" at any one of our Newtown Public Schools. Generally, this order will be announced over the school's public address system. This order will be given in the following manner; "May I have your attention please. _____ School is now in a lockdown." However, depending on the circumstances, the lockdown order can also be given via telephone, two-way radio, and/or word of mouth. This announcement may also contain the term **CODE BLUE**, which signifies that the threat is currently inside the school building (please see Page 2 for additional code blue information).

Note: With the exception of Newtown High School, all other Newtown Public Schools remain in a "Soft Lockdown" mode throughout the school day because they have buzzer-camera entry systems in place.

Upon notification of a "lockdown", teachers and support staff should promptly gather their students and those in the immediate vicinity, and escort them into a classroom or securable room (faculty restroom or other area) that can be locked and secured from the inside. If your classroom is directly near a student restroom, enter the restroom and take any students with you to your classroom or securable room. All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The only staff/support staff member permitted in the hallway or another non-securable location is the School Resource Officer and/or members of law enforcement (Newtown Police Department, CT State Police). All other staff members, including school security officers, administration, and custodians shall remain in a secure location throughout the duration of the lockdown.

Once inside a securable location, staff shall complete one or more of the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computers.
3. Cease all teaching activities for the duration of the lockdown.
4. Position students/occupants, and self away from "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if applicable).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear").

Staff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above:

- Use a megaphone to announce the lockdown.
- Move students/occupants into the kitchen area if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Staff members assigned/holding outdoor student activities (gym class, art, etc.) at the time that a lockdown order is given should not attempt to bring students inside. Staff members should pre-designate an outdoor location away from the main school building that can sufficiently afford students concealment and cover.

Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediate proximity.

EMEGENCY LOCKDOWN GUIDELINES FOR FACULTY AND STAFF

Lockdown-Code Blue Guidelines for Staff

Upon notification or personal observation that an immanent emergency situation exists, it may become necessary for school administration to commence a "Lockdown-Code Blue". Generally, this order will be announced over the school's public address system and be issued in the following manner; "May I have your attention please. "_____ School is now in Lockdown-Code Blue." Depending on circumstances however, the lockdown order may also be issued by telephone, two-way radio, and/or word of mouth.

Note: If the threat is NOT immanent (threat not on, or in close proximity to campus), a "Soft Lockdown" notification should be given and initiated.

Upon a Lockdown-Code Blue notification, staff should immediately gather students, and if not already, escort them inside a classroom or securable room that can be locked and secured from the inside. In addition to classrooms and offices, most faculty lavatory doors can be locked from the inside. If your classroom is immediately adjacent to a student lavatory, you should quickly check the lavatory and escort any students found to your classroom or securable room.

All unassigned staff members should expeditiously find a classroom or other securable location to remain throughout the duration of the lockdown. The ONLY persons permitted in hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are law enforcement officers from the Newtown Police Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.

Once inside a securable location, staff members should complete the following tasks:

1. Close and lock the door.
2. Turn off all interior lights, including computer monitors.
3. Cease all teaching activities for the duration of the Lockdown-Code Blue.
4. Position students and yourself away from the "line of sight" of doors and windows.
5. Cover the door window with dark paper (provided) or other non-transparent material.
6. Draw and close window blinds (if available).
7. Turn off and do not allow cell phone use, including text messaging.
8. Keep classroom telephone lines clear.
9. Maintain silence and await direction from an administrator ("All Clear" or "Code Word").

Staff members assigned to the Cafeteria during a Lockdown-Code Blue should perform the following tasks, in addition to those mentioned above:

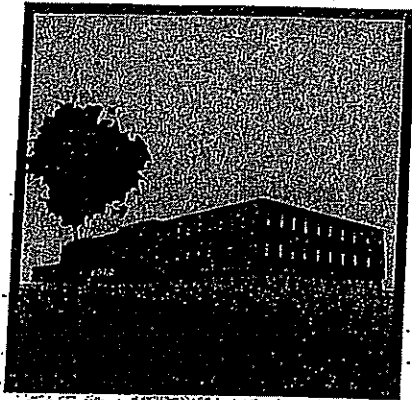
- Use a megaphone to announce the lockdown, if possible.
- Move students/occupants into the kitchen area, if possible.
- If unable to move students, gather all occupants along the wall area of the cafeteria furthest away from large exterior windows.

Note: Students in the cafeteria during a Lockdown-Code Blue should not be escorted or sent back to their classrooms.

Staff members assigned to outdoor student activities (Physical Education, Art, etc.) at the time a Lockdown-Code Blue order is issued should not attempt to bring students back inside the building. Instead, staff members should pre-designate an outdoor location away from the main school building that affords students and staff with adequate concealment and cover.

A-408

EXHIBIT E



**Newtown Public Schools
Maintenance Department**

12 Berkshire Road
Sandy Hook, CT 06482-1398

Gino Faiella
Director of Facilities

(203) 426-7615
Fax (203) 270-0478

Memo

To: Principals – All Schools
From: Gino Faiella *Gino Faiella*
Date: July 1, 2012
Re: **MONTHLY FIRE DRILLS (2012-2013 SCHOOL YEAR)**

Attached is a new fire drill form for the coming school year. As you know, schools are required to conduct 10 fire drills during the school year. Per State of Connecticut statute, there must be 1 drill performed per month over the entire school year with 2 drills to be performed within the first 2 weeks of school.

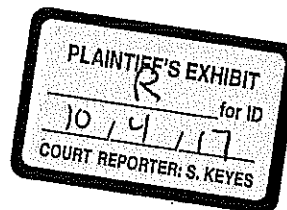
- Only 1 lockdown drill may be substituted for a fire drill during the school year.
- If an unplanned evacuation is required due to the fire alarm going off other than a planned fire drill, this does not count as a fire drill.

Thank you for your cooperation in this matter.

Gino

GF/kd
attachments

cc: Bill Halstead, Fire Marshal



A-410

REPORT OF FIRE DRILLS 2012-2013

SANDY HOOK

SCHOOL: _____

All schools **MUST** conduct two fire drills during the first two weeks of the school year followed by one fire drill per month of the school year for a total of ten fire drills during the school year.

DATE	TIME	TIME CLEARED	COMMENTS
August 29, 2012	1:43pm	1:47 pm	fire drill
September 6, 2012	9:23am	9:26am	fire drill
October 12, 2012	9:20am	9:25am	school wide Fire drill
October 17, 2012	9:30am	9:47am	school evacuation drill
November 12, 2012	2:34pm	2:40pm	fire drill
December 11, 2012	1:45pm	1:50pm	fire drill
January 15, 2013	2:30pm	2:40pm	staff fire drill
Feb. 13th, Thursday Feb. 14th & Friday Feb. 15th	SEE ATTACHED SHEET *****		
April 25 2013	1:46	grade level fire drill	fire drill
May 30, 2013	2:30pm	2:40 pm.	Fire drill

Keep this form as your original. Each time you have a fire drill, add the new information, make a copy of the form, and send the copy to Karen Dugan in the Maintenance Office at the High School. When you get to the end of the table you will have completed the required ten fire drills.

A-411

REPORT OF FIRE DRILLS 2011-2012

SCHOOL: SANDY HOOK SCHOOL

All schools MUST conduct two fire drills during the first two weeks of the school year followed by one fire drill per month of the school year for a total of ten fire drills during the school year.

DATE	TIME	TIME CLEARED	COMMENTS
Sept. 9, 2011	9:17am	9:22 am	fire drill
Sept. 13, 2011	1:45pm	1:49pm	fire drill
October 25, 2011	9:16am	9:20am	school wide fire drill
November 9, 2011	1:47pm	1:51pm	fire drill
December 5, 2011	10:20am	10:40am	school drill evacuation to the fire house
December 16, 2011	11:00am	11:05am	fire drill
January 6, 2012	1:46pm	1:51pm	fire drill
February 1, 2012	10:05am	10:09am	fire drill
March 26, 2012	9:20am	9:30am	stay put drill
April 13, 2012	2:00pm	2:05pm	fire drill
May 7, 2012	1:53pm	1:57pm	fire drill
June 11, 2012	2:11pm	2:20pm	fire drill

Keep this form as your original. Each time you have a fire drill add the new information, make a copy of the form and send the copy to Karen Dugan in the Maintenance Office at the High School. When you get to the end of the table you will have completed the required ten fire drills.

A-412

REPORT OF FIRE DRILLS 2010-2011

SCHOOL: SANDY HOOK

All schools **MUST** conduct two fire drills during the first two weeks of the school year followed by one fire drill per month of the school year for a total of ten fire drills during the school year.

DATE	TIME	TIME CLEARED	COMMENTS
Sept. 2, 2010	9:58am	10:03am	fire drill
Sept. 3, 2010	12:45pm	12:51 pm	pulled alarm
September 8, 2010	2:25pm	2:31pm	fire drill
September 29, 2010	2:34pm	2:39pm	High Wind Drill
October 5, 2010	9:16am	9:25am	school wide fire drill w/Firehouse Fire Prev.we
November 10, 2010	2:13pm	2:17pm	fire drill
December 7, 2010	9:35 am	9:42am	lockdown drill
February 17, 2011	2:05pm	2:10pm	fire drill
March 31, 2011	11:07am	11:15am	fire drill
April 14, 2011	1:42pm	1:45pm	fire drill
May 3, 2011	9:35am	9:40am	fire drill
June 16, 2011	9:18am	9:21am	fire drill

Keep this form as your original. Each time you have a fire drill, add the new information, make a copy of the form, and send the copy to Karen Dugan in the Maintenance Office at the High School. When you get to the end of the table you will have completed the required ten fire drills.

A-413

REPORT OF FIRE DRILLS 2009-2010

SANDY HOOK

SCHOOL: _____

All schools **MUST** conduct two fire drills during the first two weeks of the school year followed by one fire drill per month of the school year for a total of ten fire drills during the school year.

DATE	TIME	TIME CLEARED	COMMENTS
9.3.09	2:12pm	2:17pm	none fire drill
9.8.09	10:52am	10:54am	none fire drill
9.9.09	2:17pm	2:25pm	high wind test
10.12.09	9:45am	10:05am	all school evacuation
10.20.09	10:40am	10:44am	fire drill
November 9, 2009	2:00pm.	2:04pm	fire drill
December 3, 2009	10:26am	10:30am	fire drill
December 7, 2009	10:30am	10:40am	Lock down drill
January 15, 2010	2:03pm	2:07pm	fire drill
February 22, 2010	2:05pm	2:08pm	fire drill
March 25, 2010	10:45am	10:49am	Lock down drill
April 29, 2010	11:08am	11:12am	fire drill
May 20, 2010	10:42am	10:45am	fire drill
June 15, 2010	11:02am	11:06 am	fire drill

Keep this form as your original. Each time you have a fire drill, add the new information, make a copy of the form, and send the copy to Karen Dugan in the Maintenance Office at the High School. When you get to the end of the table you will have completed the required ten fire drills.

A-414

EXHIBIT F

NEWTOWN

Schools Told To Give Substitutes Keys

In Wake Of Sandy Hook Shootings, Officials Push To Ensure All Teachers Can Lock Class Doors

By DAVE ALTMARI
and STEVEN GOODE
daltmar@courant.com

NEWTOWN — Following the Dec. 14 slayings of students and school personnel at Sandy Hook Elementary School, town education officials took steps to make sure all substitute teachers have keys to their classrooms so they can lock the doors at the start of each day.

"We became aware that not all sub-

stitutes had keys," Superintendent of Schools Janet Robinson said Wednesday.

Each school was notified that substitutes should be given classroom keys. The issue arose after the shootings when the father of substitute teacher Lauren Rousseau, one of the victims, raised questions about whether she was provided with a key.

Investigators have not indicated whether she had a key or whether her door was open or closed. They also have not said if the door was locked.

Robinson said she was not sure whether Rousseau had been given a key. She said the school district supplied individual schools with "a reminder" about supplying classroom keys to substitutes.

Rousseau's father, Gil Rousseau, said Wednesday that he did not know whether his daughter had a key to her classroom.

State Police spokesman Lt. Paul Vance said he couldn't comment on the key issue because the case is still under investigation. He referred questions about the policy

regarding providing keys to substitutes to Newtown school officials.

Rousseau was filling in when, authorities say, 20-year-old Adam Lanza shot his way into the school. Lanza entered Rousseau's classroom first, passing by two others, including one in which the door was shut. He shot and killed 14 children, Rousseau and special education aide Rachel D'Avino in that classroom.

Lanza then entered Victoria Soto's first-

SUBSTITUTES, B6

MANCHESTER

3 CHEERS FOR THE HOME TEAM

MEMBERS OF THE Manchester High School Indians boys swim team cheer during their meet Thursday against Simsbury High School's coed team in Manchester. The Indians won the meet 86-80. More high school coverage is in Sports, Page C6.



MICHAEL MCANDREWS | MICANDREWS@COURANT.COM

WINTER WEATHER

Wind Knocks Out Power, Topples Trees

Staff report

Heavy rain and wind swept through the state Thursday morning, bringing wind gusts up to at least 65 mph, toppling trees, knocking out power and flooding roadways. The storm preceded a cold front that dropped temperatures from the 50s in the morning to the 30s by nightfall. High temperatures should be in the 20s to low 30s Friday and Saturday.

Damage across the state was caused

* Visit courant.com/storm2013 for photos from Thursday's storm.

mainly by trees and limbs that fell on power lines, houses and cars, and shut down smaller roads across the state. Large puddles, such as one that affected Route 2 westbound in East Hartford, slowed commuters in the morning.

CL&P reported more than 70,000 people without power at the peak of the storm on Thursday morning, largely in eastern

Connecticut and lower Fairfield County. The number had fallen to fewer than 10,000 by late Thursday night. United Illuminating reported a little more than 500 customers without power Thursday night.

"We live in the woods here in Connecticut," CL&P spokesman Mitchell Groat said. "There are trees down all over the place."

I-95 South was congested in Fairfield, Norwalk, New Haven and Greenwich

WIND, B6

STATE HEALTH

Officials: Flu May Have Peaked

Virus Activity Still Running High

By WILLIAM WEIR
wweir@courant.com

It appears that the flu has peaked in the state, but health officials caution that people shouldn't let their guard down just yet.

For the week of Jan. 20 to 26, 10.2 percent of all emergency department visits were attributed to flu-like illness, according to the state Department of Public Health.

For the previous week, that figure was 12.4 percent — the peak of the season after weeks of steady increase. And the percentage of outpatient visits from people reporting flu-like illness also dropped from 4.6 percent to 3.4 percent for the week of Jan. 20 to 26.

Connecticut has had a total of 3,758 lab-confirmed reports of flu this season.

Hospital admissions for influenza hit a peak in the first week of January, with almost 700. From Jan. 23 to Jan. 29, that number was down to 427 admissions.

All of which amounts to good news, said Lynn Sosa, Connecticut's deputy state epidemiologist. But, she cautioned, that doesn't mean the flu has gone.

"The message is that there is still a lot of flu activity, although it looks like we may have peaked, according to all our surveillance systems," she said. "Even though everything seems to be going in the right direction, and assuming that we get back to baseline, flu doesn't go away."

Flu season runs from October to May, she said, and people should

FLU SEASON, B6

MANCHESTER

Former Mayor Convicted In Federal Fraud Case

By JESSE LEAVENWORTH
jleavenworth@courant.com

PORTLAND, Maine — A federal court jury has convicted a former Manchester, Conn., mayor of fleecing an elderly investor.

Peter DiRosa, 65, of Manchester, was found guilty Wednesday of wire fraud and faces up to 20 years in prison when he is sentenced, according to U.S. Attorney Thomas E. Delahanty II.

DiRosa and an associate solicited \$600,000 from Frank M. Jablonski Jr. of Kennebunk in 2008, federal officials said.

The pair told the 80-year-old retired business executive that his money would be used only as collateral for a loan to buy land in Hungary, and that he would rake in \$400,000 profit within six months, the officials said.

"Several months after the \$600,000 was sent to Hungary, \$225,000 was transferred to a bank account under DiRosa's control," Delahanty's office said in a statement.

DiRosa was free on bail and is scheduled to be sentenced after the U.S. Probation Office completes a pre-sentence report. In addition to prison time, he faces a fine of up

to \$250,000 and must pay full restitution.

DiRosa, reached at his Manchester home Thursday night, said he had no comment.

DiRosa was the town's mayor from 1987-89. DiRosa and Thomas Remison of Glastonbury, Jablonski's former financial advisor, were named in a criminal complaint filed in 2011 at U.S. District Court in Portland, charging conspiracy to commit wire fraud.

In May 2008, the pair presented Jablonski with a 40-page prospectus for a project in Hungary called the Castle at Polgardi, a resort with a hotel, casino, golf

FRAUD, B6

A-4116

Substitutes

Continued from Page B1

grade classroom, killing six students. Soto and special education aide Anne Marie Murphy. It is unclear if Soto's door was closed or locked.

Lanza killed himself in Soto's room as police were entering the building. He killed the 26 students and school personnel with a

semi-automatic rifle.

Robinson said the school district's policy was for teachers to set the lock, located on the hallway side of the door, with their classroom keys when they arrived and started work in the event of a lockdown during the school day.

"They are supposed to have their doors locked and then just slam them shut [if there is a lockdown]," Robinson said.

Many of the teachers did lock their doors. As local, federal and state police poured into

the school after the shooting they described having to slide their badges under the doors to persuade teachers to open them.

Another first-grade teacher, Kaitlin Roig, whose classroom was closest to the front entrance where Lanza entered, said in a television interview that she closed her classroom door and gathered her students in a bathroom in the back of the room.

Lanza passed by Roig's room during his six-minute shooting spree. Rousseau's classroom was the third on the left after

Roig's and Soto's. Rousseau was the stepdaughter of Courant reporter Bill Leukhardt.

Lanza shot his way into the school through the glass windows at the front entrance. When he turned left toward the first-grade classrooms, he encountered Principal Dawn Hochsprung and school psychologist Mary Sherlach, who had been meeting with a parent in a room on the right-hand side of the hallway. Lanza killed them first before going into the classrooms.



NEIGHBORS GEORGETTE COTE, left, and Danuta Balcerzak discuss the home in their Hillard Street neighborhood that had a tree fall on it during Thursday's storm.

Wind

Continued from Page B1

during the morning commute. I-84 East was congested in Hartford and Waterbury.

In Avon, a fallen tree blown down by the wind toppled a utility

pole, which fell into the parking lot of the town-owned Fisher Meadows field complex. Transformers on the pole leaked oil, which required a cleanup. The state Department of Energy and Environmental Protection was notified, Assistant Town Manager Steve Bartha said.

In East Hartford, non-electrical wires fell on a school bus carrying children to school, police said. All

passengers were moved to a new bus, and no one was injured.

A number of schools were closed on Thursday. Power outages shut schools in Hartford and West Hartford, and schools in Tolland were shut because numerous roads were blocked, Superintendent William Guzman said in a pre-recorded message to parents.

The West Hartford Reservoir

on Farmington Avenue and Reservoir #6, off Route 44 in Bloomfield, were both closed temporarily because of heavy tree damage, the Metropolitan District Commission said.

The damaging wind, which reached at least 65 mph, according to Fox CT meteorologist Rachel Frank, tapered off by Thursday afternoon, but blustery conditions will remain in place both Friday

and Saturday.

Partly cloudy skies will give way to a few flurries on Friday afternoon as a weak disturbance moves by, Frank said. Saturday should be dry but chilly. Some light snow is possible on Sunday, mainly in the afternoon and evening. Early snowfall estimates are for 1 to 3 inches, which could make roads slippery for anyone driving home from a Super Bowl party.

Fraud

Continued from Page B1

course and spa. DiRosa and Renison falsely listed people who were backing the venture, including U.S. Rep. John Larson, who was named as an advisory board member on the prospectus, federal officials said.

DiRosa and Renison persuaded Jablonski to invest and helped him wire the \$600,000 to a bank in Budapest. About six months later, Jablonski talked to Renison about getting his money back. Renison, however, said the money was unavailable because of the global economic slowdown, according to the complaint.

To date, Jablonski has retrieved only \$60,000 of his original investment, his attorney in Maine, Duward W. Parkinson, said Thursday. Parkinson filed a civil suit in state court against DiRosa, Renison and two other defendants allegedly involved in the fraud — Jerry Wolff and Allan E. Stadler. Documents show the state court made judgments for \$14 million each against Renison, Wolff and Stadler in 2011.

"Messrs. Stadler and Renison were joint actors in creating [the prospectus on the Hungarian resort]," according to the civil court judgment of Dec. 1, 2011. "They acknowledge in their depositions that Castle Lodge LLC was a hollow shell and that the usual and necessary corporate formalities were ignored. They are personally liable to Mr. Jablonski for his damages."

The judgments are not final because

SUPER BOWL SUNDAY

Troopers On Watch For Drunken Drivers

By CHRISTINE DEMPSEY
cdempsey@courant.com

Troopers will be on the lookout for drunken drivers on Super Bowl Sunday, the state police said Thursday.

Super Bowl parties and other festivities can make this Sunday one of the year's most dangerous days, Lt. J. Paul Vance said in a press release.

In light of that, the police have some advice:

► Travelers should designate a sober, nondrinking driver before the game starts.
► Be prepared to call a cab; no one should ever let a friend drive drunk.

"The designation of a sober driver is the best way to avoid a tragedy or injury

caused by a drunk driver," state police Col. Danny R. Stebbins said in a written statement. "Remember, jail time, fines, loss of license and other penalties can ruin a celebratory day."

State police patrol all major highways and other routes in the state.

Vance also clarified what kind of Super Bowl bets are illegal.

Football pools are legal as long as all of the money taken in is given back to winners. No percentage or cut can be taken by the organizer for his or her time spent running the pool, he said.

Also, police said no bets or pools can be run in an establishment that sells alcohol, he said.

2013-2014 SCHOOL YEAR

Berlin Begins Fall Kindergarten Signup

By BILL LEUKHARDT
bleukhardt@courant.com

BERLIN — Kindergarten signup has begun.

As of Wednesday, school officials had mailed 128 registration packets to residents who have children eligible to start kindergarten this fall.

"We will continue to mail out forms as we get calls for students that were not already listed in our database," Tari Joyce, executive secretary to

Operation Manager Roman Cauchia, said via email.

All-day kindergarten classes have been proposed to start this fall by Superintendent David Erwin. That expansion, long in the planning, has the backing of the school board, but it is not clear yet if it will be

approved in the final town budget. Erwin's \$40.55 million proposal includes funds for the longer kindergarten sessions.

Erwin's proposed budget will be reviewed by the school board in the next two weeks before the board sends the proposal to the town manager. In April, voters will go to the polls to approve or reject the combined municipal and school budget.

No matter if classes are the current three hours or the proposed six-hour full-day session, parents and guardians must register children for kindergarten. Children are eligible if they will be age 5 on or before Jan. 1, 2014.

Registration forms must be returned by March 8. For more information, call 860-828-6581.

SUFFIELD WATER MAIN BREAK

Utility Gives All Clear; Boil Order Lifted

By HILDA MOÑOZ

The break caused low or no pressure for

A. Hild

Flu Season

Continued from Page B1

EXHIBIT G

DOCKET: DBD CV15 6016722 S

SUPERIOR COURT

SCARLETT LEWIS, AS ADMINISTRATIX
FOR THE ESTATE OF JESSE LEWIS, ET AL.

JUDICIAL DISTRICT OF
DANBURY

v.

AT DANBURY


THE TOWN OF NEWTOWN, ET AL.

August 7, 2017

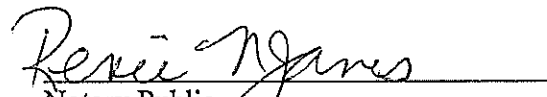
AFFIDAVIT OF PUBLICATION

I, Emily Lukasiewicz, being duly sworn, hereby state as follows:

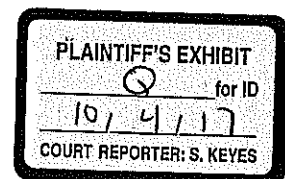
1. I am a custodian of records at The Hartford Courant (the "Courant").
2. Attached as Exhibit A is a true and correct copy of the Hartford Courant article titled "Schools Told To Give Substitutes Keys." The Courant published this article on February 1, 2013.


Emily Lukasiewicz

Sworn and subscribed to before me this 8th day of August, 2017.


Notary Public

RENEE N. JANES
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2018



A-419

EXHIBIT H

DOCKET: DBD CV15 6016722 S

SUPERIOR COURT

SCARLETT LEWIS, AS ADMINISTRATIX
FOR THE ESTATE OF JESSE LEWIS, ET AL.

JUDICIAL DISTRICT OF
DANBURY

v.

AT DANBURY


THE TOWN OF NEWTOWN, ET AL.

August 9, 2017

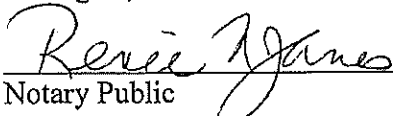
AFFIDAVIT OF PUBLICATION

I, Emily Lukasiewicz, being duly sworn, hereby state as follows:

1. I am over the age of eighteen and understand the meaning of an oath.
2. I am a custodian of records at The Hartford Courant (the "Courant").
3. Attached as Exhibit A is a true and correct copy of the Hartford Courant article titled "After Sandy Hook Shooting, Newtown Schools Told To Give Substitute Keys to Classrooms." The Courant published this article on its website on January 31, 2013.
4. This article was created, relied upon and stored in the ordinary course of business by the Courant.


Emily Lukasiewicz

Sworn and subscribed to before me this 10th day of August, 2017.



Notary Public

RENEE N. JANES
NOTARY PUBLIC
MY COMMISSION EXPIRES MAR. 31, 2018

A-421

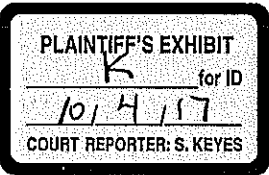
EXHIBIT I


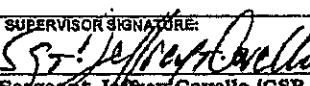
A-412

State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page of 15
--	---	---	--	---

-EXHIBIT REPORT -

ACTION TAKEN: Between the dates of Friday, December 14th, 2012, and Thursday, December 20th, 2012, the following exhibits were seized from several locations during the investigation of a multiple homicide school shooting incident which occurred at 12 Dickinson Drive, Sandy Hook, CT. **(DPS-762-C Evidence Flow Charts are on file at the Western District Major Crime Office)**

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #1a <i>Returned to school on 12/31/12</i>	One (1) bankers box containing 48 student files and class photo CD relative to Sandy Hook Elementary School Teachers: Kaitlin Roig, Victoria Soto, and [REDACTED] 04 [REDACTED] (Original Files of Survivors and Copied Files of Decedents)	Scene: main office 	12/14/12 @ 1400 hrs	Det. Sliby #810
Ex. #1b	One (1) bankers box containing 48 student files relative to Sandy Hook Elementary School Teachers: Kaitlin Roig, Victoria Soto, and [REDACTED] 04 [REDACTED] (Original Files of Decedents and Copied files of Survivors)	Scene: main office	12/14/12 @ 1400 hrs	Det. Sliby #810
Ex. #2	One (1) three ring binder color red, open to sign-in pages for Dec 13/ Dec14	Scene: main office, counter top	12/14/12 @ 1651 hrs	Det. Sliby #810
Ex. #3	One (1) three ring binder color white, open to pages of Sandy Hook staff and Dec 14th morning announcements.	Scene: main office	12/14/12 @ 1652 hrs	Det. Sliby #810
Ex. #4	Twelve (12) papers denoting both written and typed school tardies and absences	Scene: main office, counter top	12/14/12 @ 1653 hrs	Det. Sliby #810
Ex. #5	Seven (7) brass colored S&B 60 5.56x45 casings. Individually packaged letters A-G.	Scene: refer to sketch map / exterior by front entryway	12/14/12 @ 1820hrs	Det. Sliby #810
Ex. #6	Sixteen (16) brass colored S&B 60 5.56x45 casings. Individually packaged letters H-W.	Scene: refer to sketch map /interior front entryway	12/14/12 @ 1832 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13
Det. Daniel J. Sliby (CSP-WDMCS)		Sergeant Jeffrey Covello (CSP-WDMCS)			

A-423

007594




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page <u>2</u> of 15
--	---	--	--	---

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #7	One (1) lead like projectile.	Scene: refer to sketch map / 2 nd doorway on the south side of the east-west hallway	12/15/12 @ 1223 hrs.	Det. Sliby #810
Ex. #8	One (1) brass colored 10mm AUTO casing	Scene: refer to sketch map / east-west hallway, southern portion	12/15/12 @ 1225 hrs	Det. Sliby #810
Ex. #9	One (1) S&B 60 5.56x45 live round	Scene: refer to sketch map / east west hallway, northern portion	12/15/12 @ 1227 hrs	Det. Sliby #810
Ex. #10	One (1) S&B 60 5.56x45 live round	Scene: refer to sketch map / east west hallway, northern portion	12/15/12 @ 1228 hrs	Det. Sliby #810
Ex. #11	One (1) S&B 60 5.56x45 live round	Scene: refer to sketch map / east west hallway, northern portion	12/15/12 @ 1229 hrs	Det. Sliby #810
Ex. #12	One (1) S&B 60 5.56x45 live round	Scene: refer to sketch map / east west hallway, northern portion	12/15/12 @ 1230 hrs.	Det. Sliby #810
Ex. #13	One (1) PMAG 5.56x45 black plastic like magazine containing eleven (11) live 5.56 live rounds	Scene: refer to sketch map / east west hallway, northern portion	12/15/12 @ 1237 hrs.	Det. Sliby #810
Ex. #14	One (1) 5.56 copper like jacketed projectile	Scene: refer to sketch map / end of east-west hallway, southern portion	12/15/12 @ 1240 hrs.	Det. Sliby #810
Ex. #15	One (1) copper like projectile	Scene: refer to sketch map / north-south hallway, near gym center	12/15/12 @ 1244 hrs	Det. Sliby #810
Ex. #16	One (1) copper like projectile	Scene: refer to sketch map / north-south hallway, towards end	12/15/12 @ 1245 hrs	Det. Sliby #810
Ex. #17	One (1) Bushmaster Cal.223 Mod XM15-E2S, Serial-L534858, One (1) round removed from chamber and PMAG inserted with fourteen (14) live rounds	Scene: refer to sketch map / Classroom 10, western portion	12/14/12 @ 2347 hrs	Det. Sliby #810
Ex. #18	Two (2) black PMAG 5.56 magazines, duct taped together-no rounds	Scene: refer to sketch map / classroom 10, western portion near Exhibit 17	12/15/12 @ 1247 hrs	Det. Sliby #810
Ex. #19	One (1) Glock 10mm, Serial#SMA461, One (1) round partially loaded, round removed from barrel, with magazine of eight (8) rounds remaining.	Scene: refer to sketch map / Classroom 10, southeast portion near hallway door	12/14/12 @ 2254 hrs	Det. Sliby #810

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

054 Sergeant Jeffrey Covello (CSP-WDMCS).

A-424

007585




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 3 of 15
--	---	--	--	---

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #20	One (1) Sig Sauer P226 9mm Serial-UU 676027 handgun, chamber empty, magazine of eighteen (18) Speer 9mm Luger rounds remaining.	Scene: refer to sketch map / classroom 10, decedents left front pants pocket	12/14/12 @ 2303 hrs	Det. Sliby #810
Ex. #21	One (1) black colored Flexfit boonie styled hat with BLS	Scene: refer to sketch map / Classroom 10 / southeastern portion	12/15/12 @ 1252 hrs	Det. Sliby #810
Ex. #22	One (1) 10mm AUTO live round	Scene: refer to sketch map / Classroom 10 / southeastern portion	12/15/12 @ 1255 hrs	Det. Sliby #810
Ex. #23	One (1) 10mm AUTO live round	Scene: refer to sketch map / Classroom 10 / southeastern portion	12/15/12 @ 1256 hrs	Det. Sliby #810
Ex. #24	One (1) 10mm AUTO live round	Scene: refer to sketch map / Classroom 10 / southeastern portion	12/15/12 @ 1257 hrs	Det. Sliby #810
Ex. #25	One (1) 10mm AUTO live round	Scene: refer to sketch map / Classroom 10 / southeastern portion	12/15/12 @ 1258 hrs	Det. Sliby #810
Ex. #26	One (1) 5.56 projectile	Scene: refer to sketch map / Classroom 10 / northwest quadrant	12/15/12 @ 1302 hrs	Det. Sliby #810
Ex. #27	One (1) 5.56 lead projectile	Scene: refer to sketch map / Classroom 10 / southwest quadrant / nearest separator door	12/15/12 @ 1304 hrs	Det. Sliby #810
Ex. #28	One (1) 5.56 lead projectile	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1304 hrs	Det. Sliby #810
Ex. #29	One (1) 5.56 lead projectile	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1305 hrs	Det. Sliby #810
Ex. #30	One (1) 5.56 copper jacket	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1306 hrs	Det. Sliby #810
Ex. #31	One (1) 5.56 copper jacket with lead projectile	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1307 hrs	Det. Sliby #810
Ex. #32	One (1) 5.56 copper jacket	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1308 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
		SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

054 Sergeant Jeffrey Coveillo (CSP-WDMCS)

A-425

007596


State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 4 of 15
--	---	---	---	---

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #33	One (1) black threaded nut / consistent with sling attachment to Bushmaster (Ex 17)	Scene: refer to sketch map / Classroom 10 / NW quadrant	12/15/12 @ 1316 hrs	Det. Sliby #810
Ex. #34	One(1) 5.56 live round	Scene: refer to sketch map / Classroom 10 / western portion	12/15/12 @ 1317 hrs	Det. Sliby #810
Ex. #35	One (1) brass like 5.56 casing	Scene: refer to sketch map / Classroom 10 /NW Quadrant	12/16/12 @ 1449 hrs	Det. Sliby #810
Ex. #36	Fifteen (15) brass like 5.56 casings (individually packaged) with extra envelope with copper jackets and lead like fragments	Scene: refer to sketch map / Classroom 10 /NE Quadrant	12/16/12 @ 1451 hrs	Det. Sliby #810
Ex. #37	Seven (7) brass like 5.56 casings and One (1) 10mm casing (individually packaged) with extra envelope with copper jackets and lead like fragments	Scene: refer to sketch map / Classroom 10 /SW Quadrant	12/16/12 @ 1454 hrs	Det. Sliby #810
Ex. #38	Twenty-Six (26) brass like 5.56 casings (individually packaged) with extra envelope with copper jackets and lead like fragments	Scene: refer to sketch map / Classroom 10 / SE Quadrant	12/16/12 @ 1457 hrs	Det. Sliby #810
Ex. #39	One (1) Winchester 12 ga shot gun shell	Scene: Classroom 10 /decendent right lower cargo pocket	12/14/12 @ 2300 hrs	Det. Sliby #810
Ex. #40	One (1) S&B 60 5.56x45 live round	Scene: Classroom 10 /decedents left lower cargo pocket	12/14/12 @ 2301hrs	Det. Sliby #810
Ex. #41	Two (2) Sig Sauer magazines each with twenty (20) rounds and one (1) Plus 2 magazine with eighteen (18) rounds	Scene: Classroom 10 /decedents left upper vest	12/14/12 @ 2309 hrs	Det. Sliby #810
Ex. #42	One (1) black PMAG 5.56 magazine with thirty (30) live rounds.	Scene: Classroom 10 / under decedents body	12/14/12 @ 2310 hrs	Det. Sliby #810
Ex. #43	Two (2) Glock 10mm magazines with fifteen (15) rounds each	Scene: Classroom 10 / decedents left rear pants pocket	12/14/12 @ 2319 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: <i>[Signature]</i>	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: <i>[Signature]</i> SUPERVISOR I.D.#: 167

Det. Daniel J. Sliby (CSP-WDMCS)

0548 Sergeant Jeffrey Covello (CSP-WDMCS)

007597

A-426




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 5 of 15
--	---	---	---	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #44	Two(2) Glock 10mm magazines with fifteen (15) rounds each	Scene: Classroom 10 / decedents right rear pants pocket	12/14/12 @ 2310 hrs	Det. Sliby #810
Ex. #45	Two (2) Sig Sauer magazines each with twenty (20) rounds, One (1) Glock magazine 10mm with fifteen (15) rounds	Scene: Classroom 10 / decedent right upper pocket of vest	12/14/12 @ 2302 hrs	Det. Sliby #810
Ex. #46	Two (2) black PMAG 5.56 magazines with thirty (30) rounds remaining	Scene: Classroom 10 / decedents right lower vest	12/14/12 @ 2304 hrs	Det. Sliby #810
Ex. #47	Three (3) black colored PMAG 5.56 magazines. One mag empty, One mag with ten(10) rounds, One mag with thirteen (13) rounds	Scene: refer to sketch / Classroom 8 / southern portion	12/15/12 @ 1327 hrs	Det. Sliby #810
Ex. #48	One (1) 5.56 live round	Scene: refer to sketch / Classroom 8 / southeast portion	12/15/12 @ 1328 hrs	Det. Sliby #810
Ex. #49	One (1) Federal Tactical 12 ga. shot gun shell	Scene: Classroom 6 doorway	12/15/12 @ 1329 hrs	Det. Sliby #810
Ex. #50	One (1) SanDisk Cruzer 8GB thumb drive with video from Dick's of Danbury. Gun case surveillance	Milford Dicks / by Det. Matt LaChuyze 548 / CDMCS	12/15/12 @ 0048 hrs	Det. Sliby #810
Ex. #51	One(1) Imation 8GB thumbdrive containing six (6) images depicting scene taken by Carlo Guerra (CSP)	Scene / brought to van	12/15/12 @ 1110 hrs	Det. Sliby #810
Ex. #52	One(1) Sandisk Flash drive 8GB depicting security video of Dicks with ingress and egress	Brought to van by Det. Insalaco- Dick's of Milford	12/15/12	Det. Sliby #810
Ex. #53	Thirty-seven (37) 5.56 brass like casings individually enveloped along with envelope with copper and lead fragments.	Scene: refer to sketch map / Classroom 8 / NW Quadrant	12/16/12 @ 1507 hrs	Det. Sliby #810
Ex. #54	Forty-two (42) 5.56 brass like casings individually enveloped along with envelope with copper and lead fragments.	Scene: refer to sketch map / Classroom 8 / SW Quadrant	12/16/12 @ 1526 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
		SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

054 Sergeant Jeffrey Covello (CSP-WDMCS)

A-427

007598




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 6 of 15
--	---	--	---	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #55	Clothing (ME#12-17610 / Soto)A) green wool scarf,B)white long slv trtnck sweater,C)green tank top,D)OldNavytank top green,E)OldNavy sz 6 blue jeans,F) VS black 36B bra,G)pink w/blk trim underwear,H)blk scks with grn shamrocks,I) brwn leather boots	OCME-Farmington, CT	12/18/12 @ 1720 hrs	Det. Sliby #810
Ex. #56	Clothing (ME# 12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1701 hrs	Det. Sliby #810
Ex. #57	Clothing (ME#12-1 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1633 hrs	Det. Sliby #810
Ex. #58	Clothing (ME#12-17595 / Sherlach)A)CollectionEighteen blue scarf like item, B) blue/blk SoftSurroundings long sleeve shirt, C)tan tank top shirt, D)beige bra, E)Levis blue jeans,F)blue underwear, G)blue socks,crew, H) Spiegel bown leather 8M shoes.	OCME-Farmington, CT	12/18/12 @ 1549 hrs	Det. Sliby #810
Ex. #59	Clothing (ME#12-17606 / Rousseau)A)grey/white Sonoma blouse sweater,B) grey top with straps, C)brown Soma bra 36B,D) NY&Co sz 12 blue jeans,E)pink w/lace underwear, F)grey/blue Sonoma argyle socks,G) NineWest black leather boots 8M zip up, gel soles	OCME-Farmington, CT	12/18/12 @ 1528 hrs	Det. Sliby #810
Ex. #60	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1513 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
		SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

0547 Sergeant Jeffrey Covello (CSP-WDMCS)

A-428

007599


State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 7 of 15
--	---	--	---	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #61	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1500 hrs	Det. Sliby #810
Ex. #62	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1425 hrs	Det. Sliby #810
Ex. #63	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1401 hrs	Det. Sliby #810
Ex. #64	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1338hrs	Det. Sliby #810
Ex. #65	Clothing (ME#12-17503 / Murphy)A) Ralph Lauren long slv sweater, pink, B) tan top w/ straps C) Chicos beige slacks, D) tan colored bra, E) white underwear Jockey, F) black socks, G) Lifestride sz 8M dress shoes	OCME-Farmington, CT	12/18/12 @ 1305 hrs	Det. Sliby #810
Ex. #66	Clothing (ME#12-1 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1252 hrs	Det. Sliby #810
Ex. #67	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1236 hrs	Det. Sliby #810

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 2 CLEARED BY ARREST <input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> C EXTRADITION DENIED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> E JUVENILE-NO CUSTODY		
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE:	INVESTIGATOR I.D.#:	REPORT DATE:	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:
<i>[Signature]</i>	810	05-10-13	<i>[Signature]</i>	167	11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

0548 Sergeant Jeffrey Covello (CSP-WDMCS)

A-429

007600




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 8 of 15
--	---	--	--	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #68	Clothing (ME#12-17609 / D'Avino) A) Lane Bryant short sleeve sweater, gry/blk/whi, B) Mossimo white long slv shirt, C) wh shirt w/straps, D) Style&Co black jeans, E) pink bra, F) grn Hanes underwear, G) white socks, H) Pucci blk glasses, I) NewBalance sz 11 sneakers	OCME-Farmington, CT	12/18/12 @ 1120 hrs	Det. Sliby #810
Ex. #69	Clothing (ME#12-01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1104 hrs	Det. Sliby #810
Ex. #70	Clothing (ME#12-01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/18/12 @ 1043 hrs	Det. Sliby #810
Ex. #71	Clothing (ME#12-17592/Hochsprung) A) gry/red hooded sweater, B) Jcrew sz 8 red long sleeve shirt, C) Levis 4M blue jeans, D) tan winderbra 34a, E) pink underwear Hanes	OCME-Farmington, CT	12/17/12 @ 2242 hrs	Det. Sliby #810
Ex. #72	Clothing (ME#12-01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2225 hrs	Det. Sliby #810
Ex. #73	Clothing (ME#12-01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2204 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
Det. Daniel J. Sliby (CSP-WDMCS)		SUPERVISOR I.D.#: 167 Sgt. Jeffrey Covello (CSP-WDMCS)	
		APPROVAL DATE: 11/19/13	

A-430

007601




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 9 of 15
--	---	---	--	---

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #74	Clothing (ME#-12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2142 hrs	Det. Sliby #810
Ex. #75	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2117 hrs	Det. Sliby #810
Ex. #76	Clothing (ME#-12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2056 hrs	Det. Sliby #810
Ex. #77	Clothing (ME#12- 01 02 03 12 [REDACTED])	OCME-Farmington, CT	12/17/12 @ 2030 hrs	Det. Sliby #810
Ex. #78	One (1) 5.56 brass like casing	Scene: east west hallway closet to lobby, near south wall	12/16/12 @ 1448 hrs	Det. Sliby #810
Ex. #79	Emergency Response Plan Packet	Scene: Classroom 12 / interior southwall / eastern door trim	12/18/12 @ 1808 hrs	Det. Sliby #810
Ex. #80	Emergency Response Plan Packet	Classroom 10 / interior southwall / eastern door trim	12/18/12 @ 1810 hrs	Det. Sliby #810
Ex. #81	Emergency Response Plan Packet	Scene: Classroom 8 / interior southwall / eastern door trim	12/18/12 @ 1811 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 	SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

05482 Sergeant Jeffrey Covello (CSP-WDMCS)

007602

A-431




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 10 of 15
--	---	--	---	---

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #82	Emergency Evacuation sketch map	Conference room 9 / interior wall / eastern door trim	12/18/12 @ 1812 hrs	Det. Sliby #810
Ex. #83	Clothing (ME#12-17618/Adam Lanza)A) fingerprint card, B) rt/lt blk gloves, C) grn vest, D)blk Old Navy polo shirt, E) blk tshirt, F)blk cargo pants, G) blk NunBush shoe(R), H) blk NunBush shoe(L), I) blk holster, J) blk web belt, K) blk suspenders, L) blk boxers, M) blk sock left, N) blk sock right, O) right ear plug, P) left ear plug, Q) 5 BlueView GSR ampules	OCME-Farmington, CT	12/14/12 @ 1700 hrs	Det. Sliby #810
Ex. #84	Lead and copper fragments with wood particles	Scene: Classroom 10 / west wall / 8" high, 1' 4.5" from north wall	12/16/12 @ 1501 hrs	Det. Sliby #810
Ex. #85	Lead and copper like fragments	Scene: classroom 10 / east wall / 5'8" from north wall, 7' from floor	12/16/12 @ 1813 hrs	Det. Sliby #810
Ex. #86	One (1) black colored Blackberry cellular phone with Sprint logo	Scene: Classroom 12 / SW portion atop bookcase	12/16/12 @ 1955 hrs	Det. Sliby #810
Ex. #87	Two (2) swabs (simultaneous) treated with PBS	Scene: Classroom 12 / separator door interior handle	12/16/12 @ 1959 hrs	Det. Sliby #810
Ex. #88	Two (2) swabs (simultaneous) treated with PBS	Scene: Classroom 10 / separator door interior handle	12/16/12 @ 2000 hrs	Det. Sliby #810
Ex. #89	Two (2) swabs (simultaneous) of BLS, treated with PBS	Scene: Classroom (conference) 9 lower eastern door trim	12/16/12 @ 2010 hrs	Det. Sliby #810
Ex. #90	Two (2) swabs (simultaneous) of BLS, treated with PBS	Scene: Classroom 10, SW portion, carpet area	12/16/12 @ 2012 hrs	Det. Sliby #810
Ex. #91	One (1) 8.5" x 11" piece of paper with physiological substance	Scene: Classroom 10 / east wall, upper portion	12/16/12 @ 2014 hrs	Det. Sliby #810
Ex. #92	One (1) red colored 3 ring binder Sandy Hook Elementary School emergency operation procedures	Scene: Principal's office bookcase / west wall	12/16/12 @ 2015 hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
Det. Daniel J. Sliby (CSP-WDMCS)		05488 Sgt. Jeffrey Covello (CSP-WDMCS)	

007603


State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page of 15
--	---	--	--	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #93	One (1) copper jacket type fragment	Scene: Classroom 2/ 3' 3" from west wall / 7'1" from south wall	12/16/12 @ 2117 hrs	Det. Sliby #810
Ex. #94	One (1) brass like 5.56 casing	Scene: exterior, entryway, bushes north border	12/17/12 @ 1609 hrs	Det. Sliby #810
Ex. #95	Lead and copper like fragments	Scene: classroom 8 / bathroom	12/17/12 @ 1720 hrs	Det. Sliby #810
Ex. #96	One (1) lead and copper like fragment	Scene: classroom 10 / north wall venetian blind / 6'8" from floor, 4.5" from east wall	12/17/12 @ 1708 hrs	Det. Sliby #810
Ex. #97	One (1) white colored cupboard door with BLS	Scene: Classroom 8 / west wall / SW corner / furthest left	12/17/12 @ 1725 hrs	Det. Sliby #810
Ex. #98	One (1) lead and copper projectile	Scene: classroom 8, above ceiling tile	12/18/12 @ 1203 hrs	Det. Sliby #810
Ex. #99	One (1) blue colored Tactical Rifle slug 12 gauge, 70mm, 2 3/4"	Scene: classroom 4 / floor at southern central portion of room	12/18/12 @ 1405 hrs	Det. Sliby #810
Ex. #100	One (1) gun shot residue kit (GSR) / Initialed by PJM 377 / seized on 12/15/12 @1226 hours	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #101	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #102	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #103	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-17592 (Hochsprung)	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #104	Three (3) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12 / One vial with two teeth	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO-RECEIVED BY ME.					
INVESTIGATOR SIGNATURE:	INVESTIGATOR I.D.#:	REPORT DATE:	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:
<i>[Signature]</i>	810	05-10-13	<i>[Signature]</i>	167	11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

Sergeant Jeffrey Covello (CSP-WDMCS)

A-433

007604




State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page <u>12</u> of 15
--	---	--	---	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #105	Seven (7) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #106	Four (4) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-17595 (Sherlach)	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #107	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #108	Three (3) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #109	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #110	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #111	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #112	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #113	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-17603 (Murphy)	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED	
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.			
INVESTIGATOR SIGNATURE: 	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: 
Det. Daniel J. Sliby (CSP-WDMCS)		0548 Sergeant Jeffrey Covello (CSP-WDMCS)	

A-444

007605


State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS <input type="checkbox"/> OTHER <input type="checkbox"/> SKETCH MAP EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 13 of 15
--	---	--	---	--

EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #114	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #115	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #116	Three (3) clear plastic vials containing copper/lead fragments seized during autopsy of ME# 12-17606 (Rousseau) / One vial with teeth, One vial with clothing.	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #117	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #118	Seven (7) clear plastic vials containing copper/lead fragments seized during autopsy of ME# 12-17609 (D'Avino)	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #119	Two (2) clear plastic vials containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810

Ex. #120	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #121	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #122	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #123	One (1) clear plastic vial containing copper/lead fragments seized during autopsy of ME# 12-01 02 03 12	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810

CASE STATUS		TYPE OF EXCEPTIONAL CLEARANCE			
<input type="checkbox"/> 1 ACTIVE	<input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE	<input type="checkbox"/> A OFFENDER DECEASED	<input type="checkbox"/> D VICTIM UNCOOPERATIVE		
<input type="checkbox"/> 2 CLEARED BY ARREST	<input type="checkbox"/> 6 NO CRIMINAL ASPECT	<input type="checkbox"/> B PROSECUTION DECLINED	<input type="checkbox"/> E JUVENILE-NO CUSTODY		
<input checked="" type="checkbox"/> 3 SUSPENDED	<input type="checkbox"/> F FUGITIVE	<input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE:	INVESTIGATOR I.D.#:	REPORT DATE:	SUPERVISOR SIGNATURE:	SUPERVISOR I.D.#:	APPROVAL DATE:
<i>[Signature]</i>	810	05-10-13	<i>[Signature]</i>	167	11/19/13

Det. Daniel J. Sliby (CSP-WDMCS)

05486 Sergeant Jeffrey Covello (CSP-WDMCS)

A-445

007606


State of Connecticut Department of Public Safety Narrative Report DPS-302-C (Revised 04/03)		REPORT TYPE: <input type="checkbox"/> INITIAL <input type="checkbox"/> ASSIST <input checked="" type="checkbox"/> * SUPPL. <input type="checkbox"/> RE-OPEN <input type="checkbox"/> CLOSING	ATTACHMENTS: <input type="checkbox"/> STATEMENT <input type="checkbox"/> TELETYPE <input type="checkbox"/> PHOTOS OTHER <input type="checkbox"/> SKETCH MAP <input type="checkbox"/> EVIDENCE	DPS INCIDENT NUMBER: CFS-12-00704597 Page 14 of 15
--	---	--	--	---

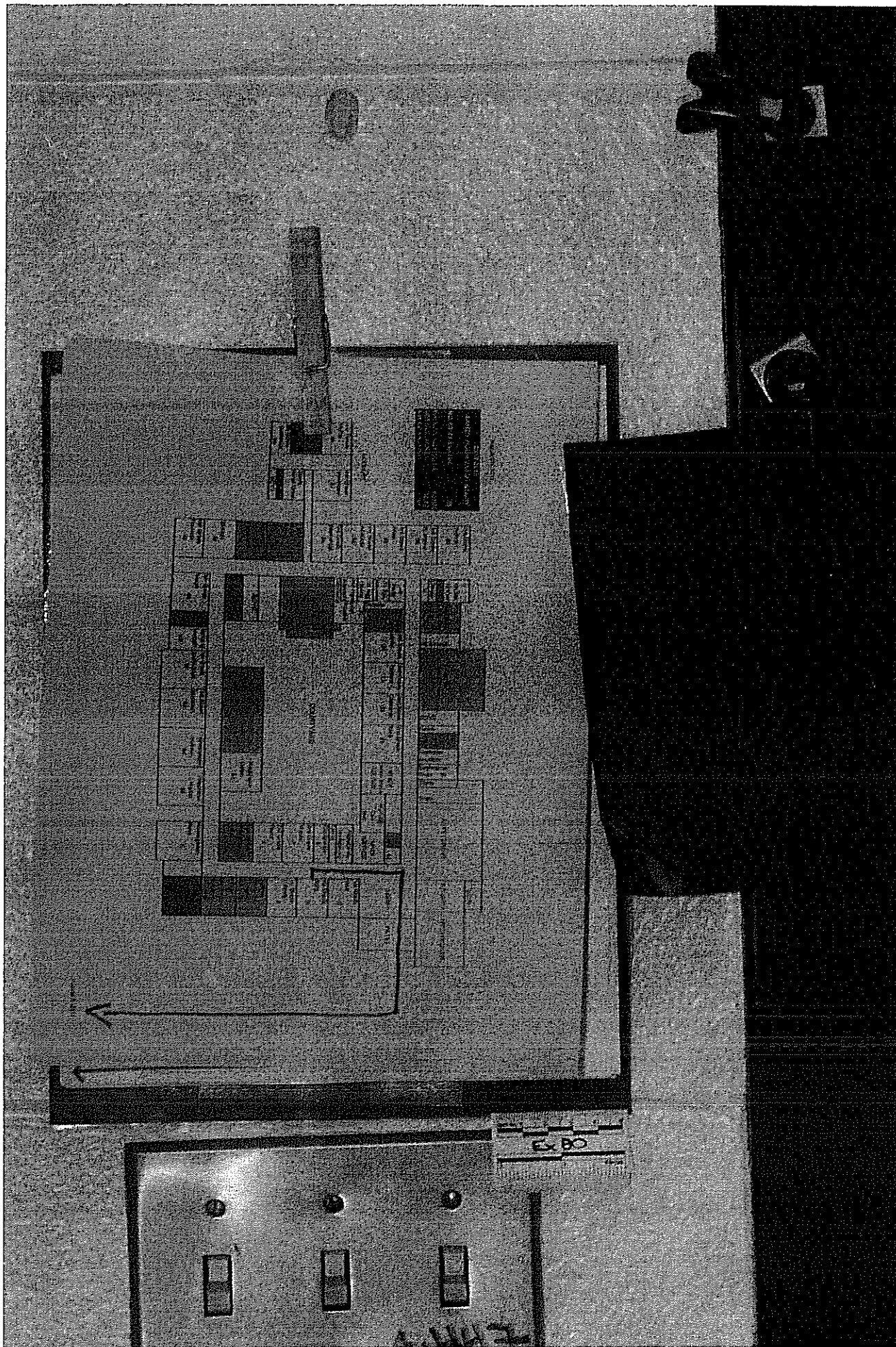
EXHIBIT #	DESCRIPTION	LOCATION SEIZED	DATE & TIME	SEIZED BY
Ex. #124	Three (3) clear plastic vials containing copper/lead fragments seized during autopsy of ME# 12-17610 (Soto)	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #125	One (1) clear plastic vial containing copper/lead fragments seized during autopsy / sink area	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #126	One (1) clear plastic vial containing copper/lead fragments seized during autopsy. Printed label of Mark Sherlach (ME#12-17595) / Black handwritten noted ME# 12-17609	OCME-Farmington, CT	12/15/12 @ 1700hrs	Det. Sliby #810
Ex. #127	One (1) envelope received from Newtown Police LT, Richard Robinson, containing 24 8.5 x 11" pictures, a SD card of 24 pics and a CD with 24 pics.	Scene: brought to van	12/19/12 @ 1225 hrs	Det. Sliby #810
Ex. #128	One (1) 5.56 brass like casing	Scene: east/west hallway, removed from contents of classroom 8	12/19/12 @ 1441 hrs	Det. Sliby #810
Ex. #129	copper / lead like fragment	Scene: classroom 10 / east wall, north corner / top of dry erase board, metal frame	12/19/12 @ 1502 hrs	Det. Sliby #810
Ex. #130	One (1) glass encased framed picture of "Red Slider", with bullet hole	Scene: lobby, nearest south / north hallway	12/20/12 @ 2030 hrs	Det. Sliby #810
Ex. #131	One (1) glass encased framed picture of "A Bear Named Trouble", with bullet hole	Scene: lobby area	12/20/12 @ 2030 hrs	Det. Sliby #810
Ex. #132	One (1) grouping of magazines seized from lobby magazine rack with bullet hole.	Scene: lobby area	12/20/12 @ 2030 hrs	Det. Sliby #810
Ex. #133	One (1) glass table with bullet holes	Scene: school, main lobby, south wall	12/20/12 @ 2031	Det. Sliby #810

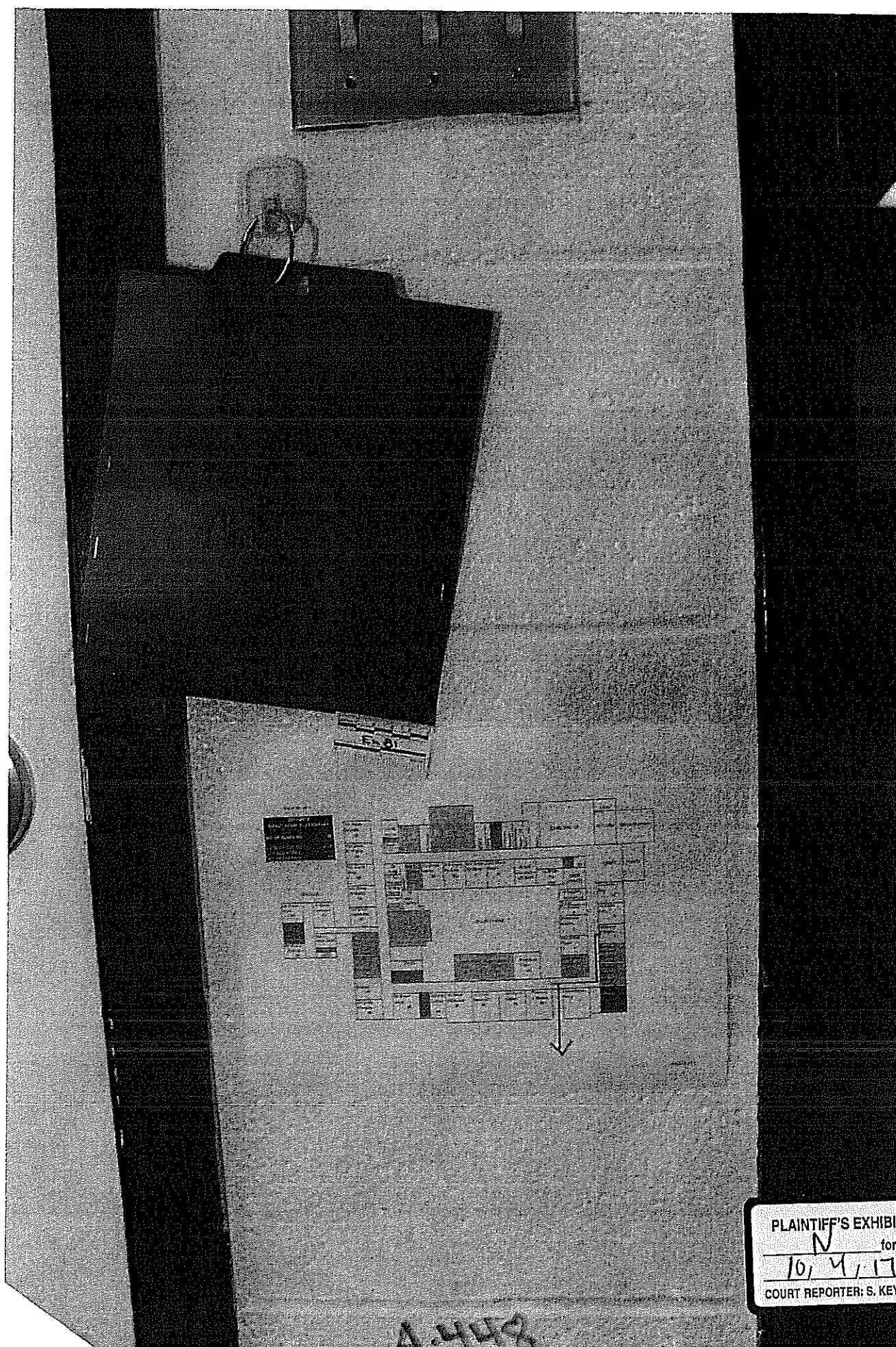
-On Saturday December 15th, 2012 at approximately 1800 hours, Exhibits 1-52 with the exception of Exhibits 35, 36, 37 and 38 were transported to Western District Major Crime Headquarters Temporary Evidence.

CASE STATUS <input type="checkbox"/> 1 ACTIVE <input type="checkbox"/> 4 EXCEPTIONAL CLEARANCE <input type="checkbox"/> 2 CLEARED BY ARREST <input type="checkbox"/> 6 NO CRIMINAL ASPECT <input checked="" type="checkbox"/> 3 SUSPENDED <input type="checkbox"/> F FUGITIVE		TYPE OF EXCEPTIONAL CLEARANCE <input type="checkbox"/> A OFFENDER DECEASED <input type="checkbox"/> D VICTIM UNCOOPERATIVE <input type="checkbox"/> B PROSECUTION DECLINED <input type="checkbox"/> E JUVENILE-NO CUSTODY <input type="checkbox"/> C EXTRADITION DENIED			
THE UNDERSIGNED, AN INVESTIGATOR HAVING BEEN DULY SWORN, DEPOSES AND SAYS THAT: I AM THE WRITER OF THE ATTACHED POLICE REPORT PERTAINING TO THIS INCIDENT NUMBER. THAT THE INFORMATION CONTAINED THEREIN WAS SECURED AS A RESULT OF (1) MY PERSONAL OBSERVATION AND KNOWLEDGE; OR (2) INFORMATION RELAYED TO ME BY OTHER MEMBERS OF MY POLICE DEPARTMENT OR OF ANOTHER POLICE DEPARTMENT; OR (3) INFORMATION SECURED BY MYSELF OR ANOTHER MEMBER OF A POLICE DEPARTMENT FROM THE PERSON OR PERSONS NAMED OR IDENTIFIED THEREIN, AS INDICATED IN THE ATTACHED REPORT. THAT THE REPORT IS AN ACCURATE STATEMENT OF THE INFORMATION SO RECEIVED BY ME.					
INVESTIGATOR SIGNATURE: <i>[Signature]</i>	INVESTIGATOR I.D.#: 810	REPORT DATE: 05-10-13	SUPERVISOR SIGNATURE: <i>[Signature]</i>	SUPERVISOR I.D.#: 167	APPROVAL DATE: 11/19/13
Det. Daniel J. Sliby (CSP-WDMCS)		Sergeant Jeffrey Covello (CSP-WDMCS)			

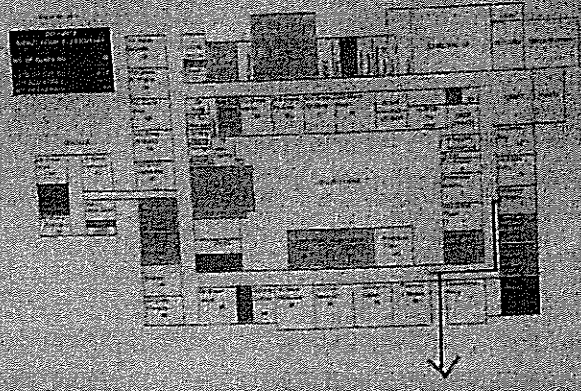
A-446

007607





FBI

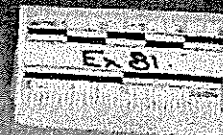


A-448

PLAINTIFF'S EXHIBIT
N for ID
10/4/17
COURT REPORTER: S. KEYES

Fire/ Emergency Card

* Bring this pocket with
you in the event of a
drill or emergency. *



A-449

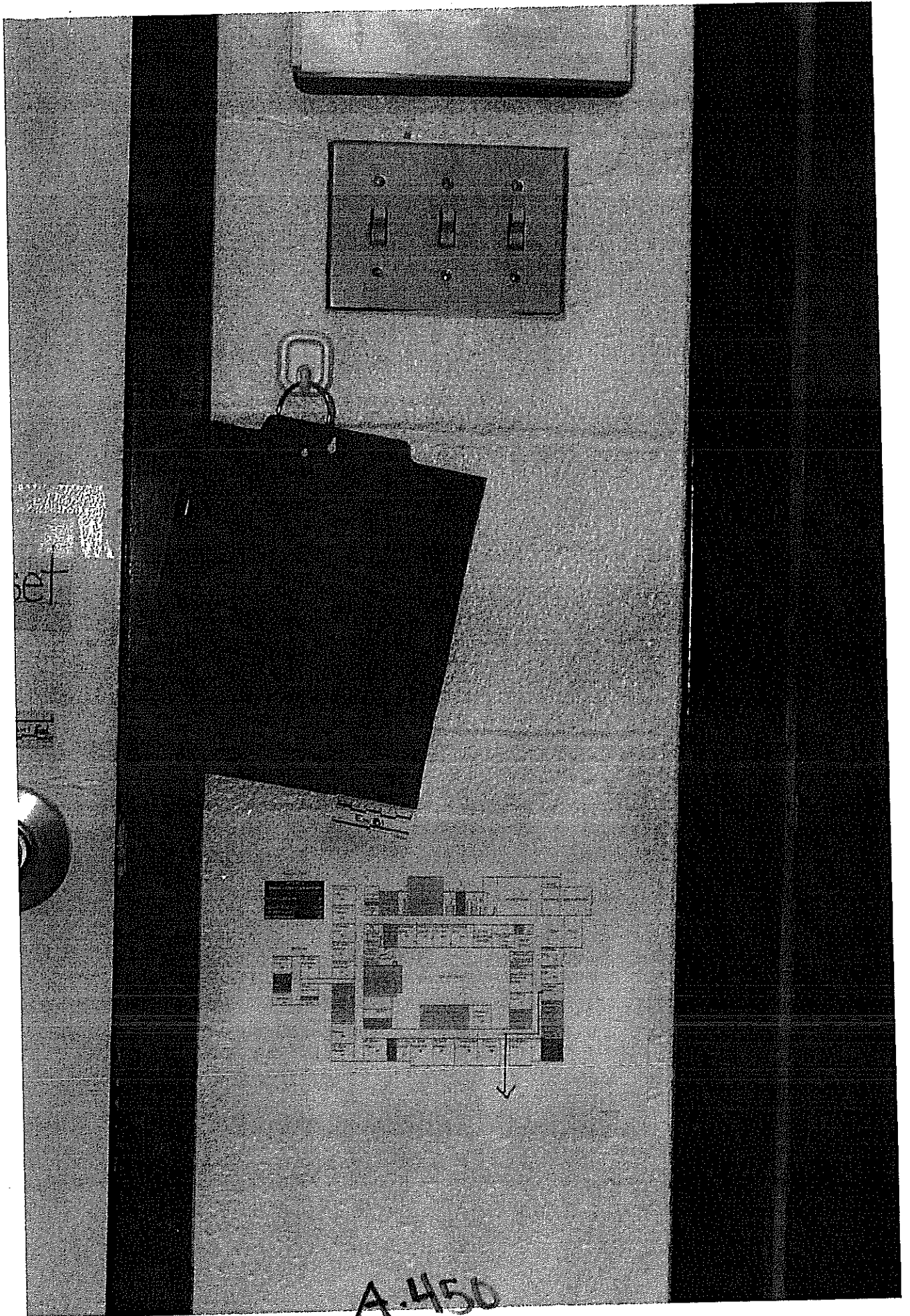


EXHIBIT J

A-451

D.N. DBD-CV15-6016722-S

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR and

THE ESTATE OF NOAH POZNER,
LEONARD POZNER AS ADMINISTRATOR

v.

THE TOWN OF NEWTOWN and NEWTOWN
BOARD OF EDUCATION

SUPERIOR COURT

J.D. OF DANBURY

AT DANBURY

OCTOBER 19, 2015

AFFIDAVIT OF CHIEF MICHAEL KEHOE

The undersigned, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen and believe in the obligation of an oath.
2. I make this affidavit based on my personal knowledge as to the matters contained herein.
3. I am the Chief of Police for the Town of Newtown.
4. As the Chief of Police, I have knowledge of our file keeping and retention practices.
5. Regarding the Sandy Hook incident, the Connecticut State Police maintains the investigation files.
6. The Newtown Police Department maintained as its own file the documents date stamped POLICE00001 to POLICE00036, which I am informed have been previously produced, and POLICESUPP00001 to POLICESUPP00042, which are

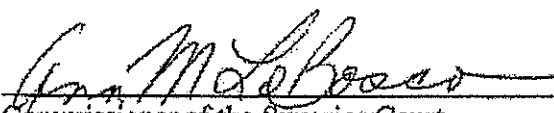
A-452

being produced with this affidavit

7. These two sets of documents constitute the entire documentary file maintained by the Newtown Police Department related to the Sandy Hook incident.


Chief Michael Kehoe

Subscribed and sworn to before me this ^{21st} day of *October*, 2015.


Commissioner of the Superior Court
Notary Public/

S:\Ryan\ST0406\LIT\DOC5\path.rtf

ANN M. LOBOSCO
NOTARY PUBLIC
State of Connecticut
My Commission Expires
June 30, 2017

A-453

EXHIBIT K

A-454

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: OCTOBER 20, 2017

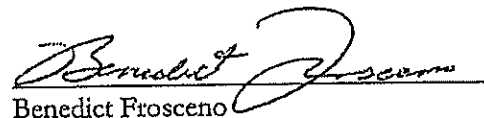
**AFFIDAVIT OF BENEDICT FROSCENO REGARDING EVIDENCE STORED AT
THE STATEWIDE CRIME LAB SEIZED FROM CLASSROOMS 8 AND 10 OF SANDY
HOOK ELEMENTARY SCHOOL ON OR ABOUT DECEMBER 15, 2012**

I, Benedict Frosceno, being duly deposed and sworn state the following:

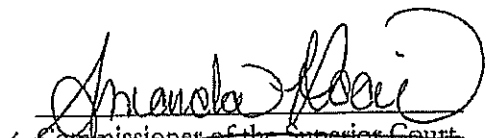
1. I understand and appreciate the meaning of an oath.
2. I make the following statement of my own free will, and based on my own personal observations
3. I was retained by the firm of Papcsy Janosov Roche Trial Lawyers in or about August of 2017 to accompany them to a viewing of seized evidence in relation to the December 14, 2012 shooting at Sandy Hook Elementary School.
4. On or about September 1, 2017 we traveled to the State Police Barracks in Litchfield, CT to view seized evidence numbers 80, and 81 from the Western District Major Crime Squad's evidence log.
5. Items 80 and 81 from the Western District Major Crime Squad's evidence log were listed as red folders seized from the rear of classrooms eight (8) and ten (10), immediately following the December 14, 2012 shooting at Sandy Hook Elementary School.
6. Upon arrival at the State Police Barracks myself, Attorney Devin Janosov, Attorney Jonathan Cannavino, Attorney Donald Papcsy and Attorney Monte Frank were lead into a room with a table where an officer presented evidence numbers 80 and 81 for inspection.
7. At the time the two pieces of evidence were first brought out they were in sealed envelopes with chain of custody tape sealing the envelopes and the chain of custody had not appeared to have been broken since the initial seizure following the December 14, 2012 shooting at Sandy Hook Elementary School.

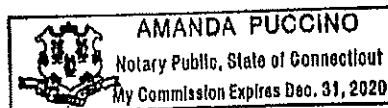
A-455

8. Upon opening the envelopes and revealing their contents, I took photographs of what was in each evidence folder.
9. One was a red plastic folder that contained no key of any kind.
10. The other was a piece of red laminated paper and also did not contain a key.
11. Neither Western District Major Crime Squad evidence log numbers 80 nor 81 contained any keys to any classrooms.
12. No other evidence listed as seized by the Western District Major Crime Squad from Classrooms 8 and 10, nor any individual therein, made any mention of a folder other than items 80 and 81 on the evidence log.
13. No other evidence listed as seized by the Western District Major Crime Squad from Classrooms 8 and 10, nor any individual therein, made any mention of keys being seized or returned on/in the evidence log.
14. I was formerly employed as a Police Officer, with the Town of Hamden, CT, before starting my own private investigation firm.
15. As far as I can tell from the evidence log and the viewing of the evidence at the State Police Barracks in Litchfield, CT on September 1, 2017; there were no keys to either classroom eight (8) or ten (10) seized by the police following the December 14, 2012 Sandy Hook Elementary School shooting.
16. The photographs of Evidence items 80 and 81 were taken by me and are true and accurate representations of the contents of the evidence contained within each such seized item.
17. I have made this statement based on my own personal observations and by own free act, will and deed.
18. I have not been promised anything in exchange for my statement except payment for my time and travel to view the aforementioned evidence.


Benedict Frosceno

Subscribed and sworn to me this 31st day of October 20 17


~~Commissioner of the Superior Court~~
Notary Public
Amanda Puccino



A-456

EXHIBIT L

A-457

Staff - Teacher Emergency Response Guide

email: "pompanom@newtown.k12.ct.us Mark Pompano"

To: email: "paged@newtown.k12.ct.us Donna Page", email: "bircherw@newtown.k12.ct.us William Bircher", email: "apples@newtown.k12.ct.us Sharon Apple", email: "sherlockd@newtown.k12.ct.us Diane Sherlock", email: "bestmarj@newtown.k12.ct.us Judy Liestman", email: "petersj@newtown.k12.ct.us Jo-Ann Peters"
Cc: email: "gejda@newtown.k12.ct.us Linda Gejda"

Thursday, August 13, 2009 at 12:13:33 PM Eastern Daylight Time

Good Afternoon:

Attached please find your copy of the "Teacher's Emergency Response Guide" that I recently completed. It is part of my revision of the overall Newtown Public Schools Emergency Response Plan. I believe the guide is an "easy read." It contains simple terminology and common instructions for use by all Newtown schools. The terminology contained therein is also the same used by FEMA and NEMS. Please feel free to customize/personalize any applicable portions of the guide toward your individual school, but please do not change any of the terminology or procedures.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Mark

Attachments:

Teacher's Emergency Response Guide.doc 43k

email: "gejda@newtown.k12.ct.us Linda Gejda"

To: email: "pompanom@newtown.k12.ct.us Mark Pompano"

Thursday, August 13, 2009 at 12:49:05 PM Eastern Daylight Time

Mark,

Do you have any idea how these guidelines match up with those that are already in place? DO you think that the topic should be put on a leadership team meeting so that you can discuss this with administrators?

Linda

On Thu, Aug 13, 2009 at 12:13 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Good Afternoon:

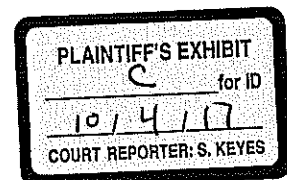
Attached please find your copy of the "Teacher's Emergency Response Guide" that I recently completed. It is part of my revision of the overall Newtown Public Schools Emergency Response Plan. I believe the guide is an "easy read." It contains simple terminology and common instructions for use by all Newtown schools. The terminology contained therein is also the same used by FEMA and NEMS. Please feel free to customize/personalize any applicable portions of the guide toward your individual school, but please do not change any of the terminology or procedures.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Mark

--
Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616



email: "pompanom@newtown.k12.ct.us Mark Pompano"
To: email: "gejda@newtown.k12.ct.us Linda Gejda"

Thursday, August 13, 2009 at 1:15:51 PM Eastern Daylight Time

A-458

Hi Linda:

Although some changes were made, these new guidelines are basically similar to what is already in place. The biggest change is the use of "universal" standardized terminology that is easily understood, and which can be implemented expeditiously (unlike past "coded" terminology like "the superintendent is in the building", etc.). Yes, I would like to discuss this with administrators, which I'd like to do prior to the start of the school year. If not, many of the administrators are on the Emergency Preparedness Committee, which is scheduled to meet on September 23, 2009, and we could discuss then.

Thank you.

Mark

On Thu, Aug 13, 2009 at 12:49 PM, Linda Gejda <gejda@newtown.k12.ct.us> wrote:

Mark,

Do you have any idea how these guidelines match up with those that are already in place? DO you think that the topic should be put on a leadership team meeting so that you can discuss this with administrators?

Linda

On Thu, Aug 13, 2009 at 12:13 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Good Afternoon:

Attached please find your copy of the "Teacher's Emergency Response Guide" that I recently completed. It is part of my revision of the overall Newtown Public Schools Emergency Response Plan. I believe the guide is an "easy read." It contains simple terminology and common instructions for use by all Newtown schools. The terminology contained therein is also the same used by FEMA and NEMS. Please feel free to customize/personalize any applicable portions of the guide toward your individual school, but please do not change any of the terminology or procedures.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Mark

Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616

*** This Email was sent by a staff member at District Office.

*** This Email was sent by a staff member at District Office.

A-459

email: "gejda@newtown.k12.ct.us Linda Gejda"
To: email: "pompanom@newtown.k12.ct.us Mark Pompano"

Thursday, August 13, 2009 at 1:21:43 PM Eastern Daylight Time

Mark,

We will be meeting with admins before school starts but the agenda for those days are already set. We are working with a consultant on our strategic plan. You might have to meet with them individually to go over this. If that doesn't work, you should contact Kathy June to find out the dates of our admin meetings.

Linda

On Thu, Aug 13, 2009 at 1:15 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Hi Linda:

Although some changes were made, these new guidelines are basically similar to what is already in place. The biggest change is the use of "universal" standardized terminology that is easily understood, and which can be implemented expeditiously (unlike past "coded" terminology like "the superintendent is in the building", etc.). Yes, I would like to discuss this with administrators, which I'd like to do prior to the start of the school year. If not, many of the administrators are on the Emergency Preparedness Committee, which is scheduled to meet on September 23, 2009, and we could discuss then.

Thank you.

Mark

On Thu, Aug 13, 2009 at 12:49 PM, Linda Gejda <gejda@newtown.k12.ct.us> wrote:

Mark,

Do you have any idea how these guidelines match up with those that are already in place? DO you think that the topic should be put on a leadership team meeting so that you can discuss this with administrators?

Linda

On Thu, Aug 13, 2009 at 12:13 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Good Afternoon:

Attached please find your copy of the "Teacher's Emergency Response Guide" that I recently completed. It is part of my revision of the overall Newtown Public Schools Emergency Response Plan. I believe the guide is an "easy read." It contains simple terminology and common instructions for use by all Newtown schools. The terminology contained therein is also the same used by FEMA and NEMS. Please feel free to customize/personalize any applicable portions of the guide toward your individual school, but please do not change any of the terminology or procedures.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Mark

A-460

--
Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616

*** This Email was sent by a staff member at District Office.

*** This Email was sent by a staff member at District Office.

--
Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616

email: "pompanom@newtown.k12.ct.us Mark Pompano"
To: email: "gejda@newtown.k12.ct.us Linda Gejda"

Thursday, August 13, 2009 at 1:26:25 PM Eastern Daylight Time

Thanks Linda:

I will meet with each Principal individually.

Mark

On Thu, Aug 13, 2009 at 1:21 PM, Linda Gejda <gejda@newtown.k12.ct.us> wrote:

Mark,

We will be meeting with admins before school starts but the agenda for those days are already set. We are working with a consultant on our strategic plan. You might have to meet with them individually to go over this. If that doesn't work, you should contact Kathy June to find out the dates of our admin meetings.

Linda

On Thu, Aug 13, 2009 at 1:15 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Hi Linda:

Although some changes were made, these new guidelines are basically similar to what is already in place. The biggest change is the use of "universal" standardized terminology that is easily understood, and which can be implemented expeditiously (unlike past "coded" terminology like "the superintendent is in the building", etc.). Yes, I would like to discuss this with administrators, which I'd like to do prior to the start of the school year. If not, many of the administrators are on the Emergency Preparedness Committee, which is scheduled to meet on September 23, 2009, and we could discuss then.

Thank you.

Mark

A-461

On Thu, Aug 13, 2009 at 12:49 PM, Linda Gejda <gejda@newtown.k12.ct.us> wrote:

Mark,

Do you have any idea how these guidelines match up with those that are already in place? DO you think that the topic should be put on a leadership team meeting so that you can discuss this with administrators?

Linda

On Thu, Aug 13, 2009 at 12:13 PM, Mark Pompano <pompanom@newtown.k12.ct.us> wrote:

Good Afternoon:

Attached please find your copy of the "Teacher's Emergency Response Guide" that I recently completed. It is part of my revision of the overall Newtown Public Schools Emergency Response Plan. I believe the guide is an "easy read." It contains simple terminology and common instructions for use by all Newtown schools. The terminology contained therein is also the same used by FEMA and NEMS. Please feel free to customize/personalize any applicable portions of the guide toward your individual school, but please do not change any of the terminology or procedures.

If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

Mark

—
Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616

*** This Email was sent by a staff member at District Office.

*** This Email was sent by a staff member at District Office.

—
Linda Gejda, Ed.D.
Assistant Superintendent
Newtown Public Schools
203.426.7616

*** This Email was sent by a staff member at District Office.

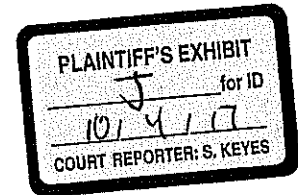
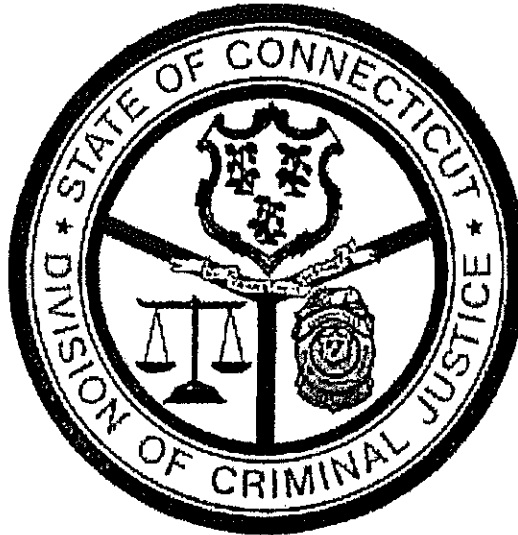
*** This Email was sent by a staff member at District Office.

A-462

A-463

EXHIBIT M

A-464



**Report of the State's Attorney for the
Judicial District of Danbury on the
Shootings at Sandy Hook Elementary School and
36 Yogananda Street,
Newtown, Connecticut on
December 14, 2012**

**OFFICE OF THE STATE'S ATTORNEY
JUDICIAL DISTRICT OF DANBURY
Stephen J. Sedensky III, State's Attorney**

November 25, 2013

00406

A-465

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
INTRODUCTION	5
PURPOSE AND SCOPE OF REPORT	6
SANDY HOOK ELEMENTARY SCHOOL - INCIDENT AND RESPONSE	9
SANDY HOOK ELEMENTARY SCHOOL – SCENE INVESTIGATION	16
SANDY HOOK ELEMENTARY SCHOOL - AUTOPSY INFORMATION	23
36 YOGANANDA STREET, NEWTOWN, CT – INCIDENT AND RESPONSE	24
36 YOGANANDA STREET, NEWTOWN, CT – SCENE INVESTIGATION	24
36 YOGANANDA STREET, NEWTOWN, CT – AUTOPSY INFORMATION	27
SHOOTER – AUTOPSY INFORMATION.....	27
INVESTIGATION TO DETERMINE ACCESSORIES AND/OR CO-CONSPIRATORS	27
EVENTS AND BACKGROUND INFORMATION LEADING UP TO DEC. 14, 2012	28
EVIDENCE EXAMINATION	35
MISCELLANEOUS INVESTIGATIVE LEADS	38
DETERMINATIONS OF CRIMES COMMITTED	40
CONCLUSION.....	43
ACKNOWLEDGEMENTS.....	44

EXECUTIVE SUMMARY

The purpose of this report is to identify the person or persons criminally responsible for the twenty-seven homicides that occurred in Newtown, Connecticut, on the morning of December 14, 2012, to determine what crimes were committed, and to indicate if there will be any state prosecutions as a result of the incident.

The State's Attorney for the Judicial District of Danbury is charged, pursuant to Article IV, Section 27 of the Constitution of the State of Connecticut and Connecticut General Statutes (C.G.S.) Sec. 51-276 *et seq.*, with the investigation and prosecution of all criminal offenses occurring within the Judicial District of Danbury. The Connecticut State Police have the responsibility to prevent and detect violations of the law and this State's Attorney has worked with and relied upon the Connecticut State Police since the incident occurred.

Since December 14, 2012, the Connecticut State Police and the State's Attorney's Office have worked with the federal authorities sharing responsibilities for various aspects of this investigation. Numerous other municipal, state and federal agencies assisted in the investigation. The investigation materials reflect thousands of law enforcement and prosecutor hours. Apart from physical evidence, the materials consist of more than seven-hundred individual files that include reports, statements, interviews, videos, laboratory tests and results, photographs, diagrams, search warrants and returns, as well as evaluations of those items.

In the course of the investigation, both state and federal law enforcement personnel received a large number of contacts purporting to provide information on the shootings and the shooter. Although many times these "leads" would go nowhere, each one was evaluated and often required substantial law enforcement time to pursue. An abundance of caution was used during the investigation to ensure that all leads were looked into, despite the fact that more than 40 such "leads" proved, after investigation, to be unsubstantiated. Information that was substantiated and relevant was made part of the investigation.

It is not the intent of this report to convey every piece of information contained in the voluminous investigation materials developed by the Connecticut State Police and other law enforcement agencies, but to provide information relevant to the purposes of this report. While no report is statutorily required of the State's Attorney once an investigation is complete, it has been the practice of State's Attorneys to issue reports on criminal investigations where there is no arrest and prosecution if the State's Attorney determines that some type of public statement is necessary. Given the gravity of the crimes committed on December 14, 2012, a report is in order.

On the morning of December 14, 2012, the shooter, age 20, heavily armed, went to Sandy Hook Elementary School (SHES) in Newtown, where he shot his way into the locked school building with a Bushmaster Model XM15-E2S rifle. He then shot and killed the principal and school psychologist as they were in the north hallway of the school responding to the noise of the shooter coming into the school. The shooter also shot and injured two other staff members who were also in the hallway.

The shooter then went into the main office, apparently did not see the staff who were hiding there, and returned to the hallway.

After leaving the main office, the shooter then went down the same hallway in which he had just killed two people and entered first grade classrooms 8 and 10, the order in which is unknown. While in those rooms he killed the two adults in each room, fifteen children in classroom 8 and five in classroom 10. All of the killings were done with the Bushmaster rifle.

He then took his own life with a single shot from a Glock 20, 10 mm pistol in classroom 10.

Prior to going to the school, the shooter used a .22 caliber Savage Mark II rifle to shoot and kill his mother in her bed at the home where they lived at 36 Yogananda Street in Newtown.

The response to these crimes began unfolding at 9:35:39 a.m. when the first 911 call was received by the Newtown Police Department. With the receipt of that call, the dispatching and the arrival of the police, the law enforcement response to the shootings began. It was fewer than four minutes from the time the first 911 call was received until the first police officer arrived at the school. It was fewer than five minutes from the first 911 call, and one minute after the arrival of the first officer, that the shooter killed himself. It was fewer than six minutes from the time the first police officer arrived on SHES property to the time the first police officer entered the school building. In fewer than 11 minutes twenty first-grade pupils and six adults had lost their lives.

The following weapons were recovered in the course of this investigation: (1) a Bushmaster Model XM15-E2S semi-automatic rifle, found in the same classroom as the shooter's body. All of the 5.56 mm shell casings from the school that were tested were found to have been fired from this rifle. (2) a Glock 20, 10 mm semi-automatic pistol found near the shooter's body and determined to have been the source of the self-inflicted gunshot wound by which he took his own life. (3) a Sig Sauer P226, 9 mm semi-automatic pistol found on the shooter's person. There is no evidence this weapon had been fired. (4) a Izhmash Saiga-12, 12 gauge semi-automatic shotgun found in the shooter's car in the parking lot outside the school, and which was secured in the vehicle's trunk by police responding to the scene. There is no evidence this weapon had been fired. (5) a Savage Mark II rifle found at 36 Yogananda Street on the floor of the master bedroom near the bed where the body of the shooter's mother was found. This rifle also was found to have fired the four bullets recovered during the autopsy of the shooter's mother.

All of the firearms were legally purchased by the shooter's mother. Additionally, ammunition of the types found had been purchased by the mother in the past, and there is no evidence that the ammunition was purchased by anyone else, including the shooter.

At the date of this writing, there is no evidence to suggest that anyone other than the shooter was aware of or involved in the planning and execution of the crimes that were committed on December 14, 2012, at Sandy Hook Elementary School and 36 Yogananda Street. From the time an unknown male was encountered by the Newtown police outside of the school during the initial response, until well after the staff and children had been evacuated, the thought that there may have been more than one shooter was a condition all responding law enforcement worked under as they cleared the school. Individuals located in the wooded areas surrounding the school

as the searches and evacuations were taking place were initially treated as suspect and handled accordingly (including being handcuffed) until their identity could be determined. The circumstances surrounding all of these individuals were fully investigated and revealed no additional shooters. DNA testing of evidence recovered from both the school and 36 Yogananda Street also revealed no potential accessories or co-conspirators.

It is the conclusion of this State's Attorney that the shooter acted alone and was solely criminally responsible for his actions of that day. Moreover, none of the evidence developed to date demonstrates probable cause to believe that any other person conspired with the shooter to commit these crimes or aided and abetted him in doing so.

Unless additional – and at this time unanticipated – evidence is developed, there will be no state criminal prosecution as result of these crimes. With the issuance of this report, the investigation is closed. Should additional reliable information related to the existence of accessories or co-conspirators come to the attention of the investigators, the investigation will be reopened.²

In the course of his rampage the shooter committed a number of crimes in violation of our Connecticut Penal Code. The most significant are those where lives were taken and people were physically injured. In Sandy Hook Elementary School, the crime of Murder under Special Circumstances, in violation of C.G.S. Sec. 53a-54b, was committed twenty-six times and Attempted Murder under Special Circumstances in violation of C.G.S. Secs. 53a-49 and 53a-54b was committed twice as it relates to the two individuals who were shot by the shooter and survived. The crime of Murder in violation of C.G.S. Sec. 53a-54 was committed by the shooter in killing his mother.

The obvious question that remains is: "Why did the shooter murder twenty-seven people, including twenty children?" Unfortunately, that question may never be answered conclusively, despite the collection of extensive background information on the shooter through a multitude of interviews and other sources. The evidence clearly shows that the shooter planned his actions, including the taking of his own life, but there is no clear indication why he did so, or why he targeted Sandy Hook Elementary School.

It is known that the shooter had significant mental health issues that affected his ability to live a normal life and to interact with others, even those to whom he should have been close. As an adult he did not recognize or help himself deal with those issues. What contribution this made to the shootings, if any, is unknown as those mental health professionals who saw him did not see anything that would have predicted his future behavior. He had a familiarity with and access to firearms and ammunition and an obsession with mass murders, in particular the April 1999 shootings at Columbine High School in Colorado. Investigators however, have not discovered any evidence that the shooter voiced or gave any indication to others that he intended to commit such a crime himself.

² It should be noted that potentially important evidence, i.e., a computer hard drive recovered from the shooter's home, as of this date remains unreadable. Additional insight could be gained should efforts to recover data from the hard drive ever prove successful, which at this time appears highly improbable. It is because of this improbability, coupled with the current determination of no accessories or co-conspirators that the case is being closed.

This State's Attorney expresses his sincere sympathy and condolences to the victims of the incident of December 14, 2012, and to their families. He also expresses his appreciation for their continued patience and understanding during the course of the investigation and preparation of this report. He acknowledges and thanks law enforcement, which responded to Sandy Hook Elementary School in minutes and entered the building believing someone could be there ready to take *their* lives as well. He also acknowledges and thanks the staff of the Sandy Hook Elementary School who acted heroically. The combination saved many children's lives.

This report would not have been possible if not for the assistance and cooperation of numerous agencies at the state, local and federal levels of government. The State's Attorney expresses his sincere gratitude and appreciation to all of these agencies and to all of the men and women who contributed so much to this investigation. The assistance of federal authorities has been invaluable. Particularly worthy of special note are the men and women of the Connecticut State Police, and in particular, the Western District Major Crime Squad. The thoroughness and sensitivity with which they conducted their investigation is unmatched in my experience.

INTRODUCTION

On the morning of December 14, 2012, Adam Lanza, the shooter,³ age 20, went to Sandy Hook Elementary School (also SHES) in Newtown, Connecticut, where he shot his way into the building and killed twenty children and six adults and wounded two other adults, all with a Bushmaster Model XM15-E2S rifle. The shooter then took his own life with a single shot from a Glock 20, 10 mm handgun. From the time the doors of the school were locked at 9:30 a.m. until the time it is believed the shooter killed himself at 9:40:03, fewer than 11 minutes had elapsed.

Prior to going to the school, the shooter used a .22 caliber Savage Mark II rifle to shoot and kill his mother in her bed. This occurred at the home where they lived at 36 Yogananda Street, also in Newtown.

With these unprecedented horrific crimes came a responsibility for an investigation to determine what crimes were committed and, more importantly, if the shooter acted alone. Any person who aided and abetted the shooter or who conspired with him had to be held accountable.

Beginning on December 14, 2012, the Connecticut State Police and the State's Attorney's Office worked in cooperation with the federal authorities sharing responsibilities for various aspects of the case. The federal involvement has been invaluable. Though some evidence is still being examined, there is no indication in the investigation by either state or federal authorities to date that the shooter acted with anyone on December 14, 2012, or had co-conspirators or accessories who could be prosecuted.

In addition to physical evidence,⁴ the investigation materials contain over seven-hundred individual files that include reports, statements, interviews, videos, laboratory tests and results, photographs, diagrams, search warrants and search warrant returns as well as evaluations of those items. Investigators interviewed individuals who were present at SHES on December 14, 2012, and witnessed the incident, among them students, staff members, parents of students and neighbors. Special attention and consideration was given to the interviewing of child witnesses, given their traumatic experience. Also interviewed were police officers and other first responders who were present at SHES during the course of the incident itself and in the course of the subsequent search, evacuation of the school and processing of the scenes.

Investigators attempted to obtain as much information about the shooter's life as possible in an effort to determine the reasons or motives for his actions on December 14, 2012. Interviews were conducted with members of the shooter's family, those who knew the shooter or his family throughout his life, as well as teachers and school personnel who had been involved with him and his family over his time in Newtown.

Efforts were made within the limits of privacy laws to gather information on medical consultations and/or treatments the shooter was involved with over the course of his years in Newtown. In doing so, investigators found no evidence to suggest the shooter had taken any

³ Throughout the remainder of this report Adam Lanza will be referred to as "the shooter."

⁴ Over 270 evidence designations were used, many grouping related items as one number.

medication that would affect his behavior or by any means to explain his actions on December 14, 2012.

An investigation of this magnitude requires careful planning and review. The interviews took substantial time, first to identify which individuals should be interviewed and then to conduct the actual interviews. Physical evidence had to be examined and forensically reviewed. This included ballistics, fingerprint and DNA analysis. Additionally, all of the information collected had to be reviewed and summarized in written statements that have since become a part of the investigation, reflecting thousands of dedicated law enforcement and prosecutor hours.

I had been working closely with the Connecticut State Police, who conducted the state investigation, and federal law enforcement officers since December 2012. Once the investigation was delivered for my review, I took the time to read, digest, evaluate and summarize the material, mindful of the privacy interests involved and the approaching December 14, 2012, anniversary.

The federal authorities have stated that under federal law many of their reports and materials cannot become part of the public record due to rules regarding the dissemination of information obtained pursuant to grand jury subpoenas, sealed search warrants, and federal Freedom of Information law. Therefore, information obtained by federal authorities will not, for the most part, be incorporated into the Connecticut State Police criminal investigation file.

While the reports and materials will not be part of the state investigation record, such materials have been examined and considered by state law enforcement authorities. Based upon a review of all of the documentation, both state and federal, we are left confident at this time that the evidence developed to date does not reveal co-conspirators or accessories. Accordingly, as a result of the investigation to date, there will be no state criminal prosecution of anyone.

PURPOSE AND SCOPE OF REPORT

The State's Attorney's Office for the Judicial District of Danbury is charged, pursuant to Article IV, Sec. 27 of the Connecticut State Constitution⁵ and Connecticut General Statutes (C.G.S.) Sec. 51-276⁶ *et seq.*, with the investigation and prosecution of all criminal offenses occurring within the Judicial District of Danbury. The Connecticut State Police have the responsibility to prevent and detect violations of the law and this State's Attorney has worked with and relied upon the Connecticut State Police since the incident occurred. The investigation has been

⁵ Connecticut Constitution Article 4, Sec. 27. There shall be established within the executive department a division of criminal justice *which shall be in charge of the investigation and prosecution of all criminal matters*. Said division shall include the chief state's attorney, who shall be its administrative head, and the state's attorneys for each judicial district, which districts shall be established by law. The prosecutorial power of the state shall be vested in a chief state's attorney and the state's attorney for each judicial district.

⁶ Sec. 51-276. Division established. There is hereby established the Division of Criminal Justice within the Executive Department, which shall be in charge of the investigation and prosecution of all criminal matters in the Superior Court. The Division of Criminal Justice shall be an agency within the Executive Department with all management rights except appointment of all state's attorneys.

tirelessly conducted by the Connecticut State Police (also CSP) with the assistance of multiple local, state and federal agencies, both in and out of Connecticut.

While no report is statutorily required of the State's Attorney once the investigation is complete, it has been the practice of state's attorneys to issue reports on criminal investigations where there is no arrest and prosecution if the state's attorney determines that some type of public statement is necessary.⁷ Given the gravity of the crimes committed on December 14, 2012, a report is in order.

The purpose of this report is to identify the person or persons criminally responsible for the twenty-seven homicides that occurred in Newtown, Connecticut,⁸ on the morning of December 14, 2012, to determine what crimes were committed, and to indicate if there will be any state prosecutions as a result of the incident.

Many witnesses to this case have expressed great concern that their identities will be disclosed publicly and make them susceptible to threats or intimidation as a result of their cooperation or connection with the investigation.⁹ This cooperation has been essential and greatly appreciated. As a result of the witnesses' concerns, this report will not identify lay witnesses, except where necessary.

Consistent with Public Act 13-311,¹⁰ exceptions to the state Freedom of Information Act¹¹ and C.G.S. Sec. 17a-101k(a)¹² this report will not list the names of the twenty children killed in

⁷ See for example: Statement of David I. Cohen, State's Attorney for the Judicial District of Stamford/Norwalk, in reference to the February 16, 2009, attack on Charla Nash by the Chimpanzee Named Travis, Issued December 7, 2009; Statement of the State's Attorney for the Judicial District of Stamford-Norwalk Concerning the Fatal Fire on December 25, 2011, at 2267 Shippan Avenue, Stamford, Issued June 8, 2012; and Report of the State's Attorney for the Judicial District of Ansonia-Milford on the Murder of Shangyl Rasim on January 17, 2010, Issued May 24, 2010.

⁸ Newtown, Connecticut is within the Judicial District of Danbury.

⁹ In fact, some witnesses have had that occur to them.

¹⁰ An Act Limiting the Disclosure of Certain Records of Law Enforcement Agencies and Establishing a Task Force Concerning Victim Privacy Under the Freedom of Information Act.

¹¹ See C.G.S. Sec. 1-210.

¹² Sec. 17a-101k. Registry of findings of abuse or neglect of children maintained by Commissioner of Children and Families. Notice of finding of abuse or neglect of child. Appeal of finding. Hearing procedure. Appeal after hearing. Confidentiality. Regulations. (a) The Commissioner of Children and Families shall maintain a registry of the commissioner's findings of abuse or neglect of children pursuant to section 17a-101g that conforms to the requirements of this section. The regulations adopted pursuant to subsection (i) of this section shall provide for the use of the registry on a twenty-four-hour daily basis to prevent or discover abuse of children and the establishment of a hearing process for any appeal by a person of the commissioner's determination that such person is responsible for the abuse or neglect of a child pursuant to subsection (b) of section 17a-101g. The information contained in the registry and any other information relative to child abuse, wherever located, shall be confidential, subject to such statutes and regulations governing their use and access as shall conform to the requirements of federal law or regulations. Any violation of this section or the regulations adopted by the commissioner under this section shall be punishable by a fine of not more than one thousand dollars or imprisonment for not more than one year.

Sandy Hook Elementary School, nor will it recite 911 calls made from within the school on that morning or describe information provided by witnesses who were in the classrooms or heard what was occurring in the classrooms.

It is not the intent of this report to convey every piece of information contained in the voluminous investigation materials developed by the Connecticut State Police and other law enforcement agencies, but to provide information relevant to the purposes of this report.

To conclude that *all* such information, including the basic facts of the incident itself is confidential would prohibit even the disclosure of the children being killed. Such an interpretation would be unworkable and is not taken here. It is concluded though that the C.G.S. Sec. 17a-101k(a) is applicable in the present case and will be applied in the manner described.

SANDY HOOK ELEMENTARY SCHOOL - INCIDENT AND RESPONSE

Incident

On the morning of December 14, 2012, the shooter parked his 2010 Honda Civic next to a "No Parking" zone outside of Sandy Hook Elementary School in Newtown, Connecticut.¹³ Shortly after 9:30 a.m. he approached the front entrance to the school.¹⁴ He was armed with a Bushmaster Model XM15-E2S rifle (also Bushmaster rifle), a Glock 20, 10 mm pistol and a Sig Sauer P226, 9 mm pistol and a large supply of ammunition.

The doors to the school were locked, as they customarily were at this time, the school day having already begun. The shooter proceeded to shoot his way into the school building through the plate glass window to the right of the front lobby doors.

The main office staff reported hearing noises and glass breaking at approximately 9:35 a.m. and saw the shooter, a white male with a hat and sunglasses, come into the school building with a rifle type gun. The shooter walked normally, did not say anything and appeared to be breathing normally. He was seen shooting the rifle down the hallway.

Just down the hallway from the main office, in the direction that the shooter was to be seen firing, a 9:30 a.m. Planning and Placement Team (PPT) meeting was being held in room 9, a conference room. It was attended by Principal Dawn Hochsprung and School Psychologist Mary Sherlach, together with a parent and other school staff. Shortly after the meeting started, the attendees heard loud banging. The principal and school psychologist then left the room followed shortly after by a staff member. After leaving the room, Mrs. Hochsprung yelled "Stay put!"

As the staff member left the room, the staff member heard gunshots and saw Mrs. Hochsprung and Mrs. Sherlach fall down in front of the staff member. The staff member felt a gunshot hit the staff member's leg. Once down, the staff member was struck again by additional gunfire, but laid still in the hallway. Not seeing anyone in the hallway, the staff member crawled back into room 9 and held the door shut. A call to 911 was made and in the ensuing moments the telephone in room 9 was also used to turn on the school wide intercom system. This appears to have been done inadvertently, but provided notice to other portions of the building.¹⁵

¹³ On December 13, 2012, the student enrollment was 489. Official attendance had not yet been recorded as of 9:30 a.m. on December 14, 2012. The staff for the school is 91, but on December 14, 2012, there were nine staff members absent. The staffing was at 82 for the day.

¹⁴ A more complete description of the school building and the front entrance starts on page A119 of the Appendix. For the purposes of this report, the front of SHES faces north.

¹⁵ Intercom system could be accessed from nine phones located in seven rooms. These telephones and rooms were three phones in the main office, the principal's office, the nurse's office (room 57), room 9 conference room, room 29, room 32 and room 60. The "All Call" which opens the intercom to the entire school was accessed by pressing "#0" from the telephones mentioned. The All Call-except quiet rooms was accessed by pressing "#1."

At the same time the shooter was firing in the hallway, another staff member was at the far east end of the hallway near classroom 1. The staff member was struck by a bullet in the foot and retreated into a classroom.

Both Dawn Hochsprung, age 47, and Mary Sherlach, age 56, died as a result of being shot. Both wounded staff members shot in the hallway were later evacuated to the hospital and survived.

After shooting and killing the two adults and wounding the two others, the shooter entered the main office. The office staff had taken shelter in the office. They heard sounds of the office door opening, footsteps walking inside the office and then back toward the office door. Staff members heard the door open a second time and then heard more gunfire from outside the office. They called 911.

Where the shooter specifically went next is unclear. The evidence and witness statements establish the shooter went down the hallway in an easterly direction ultimately entering first grade classrooms 8 and 10. The order is not definitively known. While in classrooms 8 and 10, the shooter shot and killed four adults and twenty children with the Bushmaster rifle. Twelve children survived, one from classroom 8 and eleven from classroom 10.

The shooter finally killed himself in classroom 10 with one gunshot to his head from a Glock 20, 10 mm pistol. This is believed to have occurred at 9:40:03.¹⁶

Classroom 8's substitute teacher was Lauren Rousseau, age 30, who was assisted by Rachel D'Avino, age 29, a behavioral therapist. Fifteen children were found by police. Fourteen who were deceased and one who was transported to Danbury Hospital and later pronounced dead. The two adults were found deceased close to the children. In all, seventeen people were killed in classroom 8. A sixteenth child survived and exited classroom 8 after the police arrived.

Classroom 10's teacher was Victoria Soto, age 27. Working with her was Anne Marie Murphy, age 52, a behavioral therapist. Five children were found, with Mrs. Murphy partially covering one child. Four of the five children were deceased. One of the five children was transported to the hospital and pronounced dead. Miss Soto was found deceased in the room near the north wall with a set of keys nearby. Nine children had run out of the room and survived. A police officer found two uninjured children in the class restroom.

In all, eighteen children and six adult school staff members were found deceased within the school. Two more children were pronounced dead at Danbury Hospital. Two other adult school staff members were injured and were treated at nearby hospitals and survived.

The two classrooms on either side of 8 and 10 were numbered 6 and 12. Classroom 6 was on the eastern side of classroom 8 and classroom 12 was on the western side of classroom 10. Staff and students hid in the class restrooms, locking the restroom doors from the inside.

¹⁶ See the time line in the Appendix starting at page A84.

Throughout the rest of the school, staff and students hid themselves wherever they happened to be at the time they became aware of gunfire. The staff used various ways to keep the children calm, from reading to having them color or draw pictures. Those hiding in rooms closest to the shooter kept silent. Some people were able to escape out of the building prior to the police arrival and went to Sandy Hook center, nearby residences, or received rides from parents going to the school or from passersby.

One staff member heard a loud crashing noise and ran toward the front lobby. As the staff member got closer, bullet holes could be seen and gun powder smelled. Realizing what was going on, the staff member immediately called 911, turned and went back down the hall from where the staff member had come. During the incident, while staying on the line with the 911 operator, this staff member sent other staff to their rooms or had them stay in their rooms and this staff member went about locking doors. The staff member remained in the hallway on the telephone with the 911 operator until the police arrived.

Response

Upon the receipt of the first 911 call, law enforcement was immediately dispatched to the school. It was fewer than four minutes from the time the first 911 call was received until the first police officer arrived at SHES. It was fewer than five minutes from the time the first 911 call was received until the shooter killed himself. It was fewer than six minutes from the time the first police officer arrived on SHES property to the time the first police officer entered the school building.

Below is an abbreviated time line from the first 911 call received to the time the police entered the school building.¹⁷

9:35:39 - First 911 call to Newtown Police Department is received.

9:36:06 - Newtown Police Department dispatcher broadcasts that there is a shooting at Sandy Hook Elementary School.

9:37:38 - Connecticut State Police are dispatched to SHES for active shooter.

9:38:50 - CSP are informed that SHES is in lockdown.

9:39:00 - First Newtown police officer arrives behind SHES on Crestwood Rd.

9:39:13 - Two more Newtown officers arrive at SHES and park on the driveway near the ball field. Gunshots are heard in the background.

¹⁷ See page A84 of the Appendix for full time line put together by the Connecticut State Police Western District Major Crime Squad. This time line was compiled from 911 calls, witness statements, police car cameras, police radio and police dispatch transmissions.

- 9:39:34 - Newtown officer encounters unknown male running along the east side of SHES with something in his hand.
- 9:40:03 - Last gunshot is heard. This is believed to be the final suicide shot from the shooter in classroom 10.
- 9:41:07 - Information is relayed as to the location of the last known gunshots heard within SHES, the front of the building.
- 9:41:24 - Newtown officer has unknown male prone on ground, starting information relay regarding possibly more than one shooter.
- 9:42:39 - Newtown officer calls out the license plate of the shooter's car.
- 9:44:47 - Newtown officers enter SHES.
- 9:46:23 - CSP arrive at SHES.
- 9:46:48 - CSP enter SHES.

As the gravity of the situation became known, local, state and federal agencies responded to the scene to assist.

From the time the unknown male was encountered by the Newtown police outside of SHES until after the staff and children were evacuated, all responding law enforcement operated under the belief that there may have been more than one shooter and acted accordingly.¹⁸

For example, K-9 units were brought in to search the area and officers were posted to act as lookouts to ensure the safety of those evacuating the school building. Some people were located in the areas surrounding the school as the searches and evacuations were taking place. Some of those individuals were treated initially as suspects and handled accordingly, including being handcuffed, until their identities and reason for being there could be determined.

Some of these detentions included:

1. The initial unknown male who turned out to be a parent with a cell telephone in his hand;
2. Two reporters located in the woods around SHES, who were held at gun point by Department of Energy and Environmental Protection (DEEP) police officers until their identities could be determined; and
3. A man from New York who was working in a nearby town and went to SHES after an application on his cell telephone alerted him to the situation at the school. He drove to the firehouse and went up to the school on foot. He was taken from the scene

¹⁸ In fact, the possibility that there was more than one shooter remained a consideration beyond December 14, 2012. It was only after potential leads were investigated that investigators became confident that the shooter was not aided in any way by others and that no one knew of the shooter's plan prior to December 14, 2012.

of the school in handcuffs and later to Newtown Police Department. It was later determined that he did not have a connection to the shooting and had gone to SHES to see what was going on.

As noted above, on December 14, 2012, there was a concern that there may have been more than one shooter. This was based upon a number of factors:

1. The initial police encounter with the unknown male outside SHES;¹⁹
2. Reports by school personnel during the shooting on a 911 call of seeing someone running outside the school while the shooting was ongoing;
3. The location of two black zip up sweat jackets on the ground outside of the shooter's car;
4. The discovery of an Izhmash Saiga-12, 12 gauge shotgun and ammunition in the passenger compartment of the shooter's car. A police officer moved this shotgun and ammunition to the car's trunk for safety purposes;
5. Shell casings that were located outside of the school; and
6. The apparent sound of gunfire coming from outside of the school;

The subsequent investigation revealed there were no additional shooters based upon:

1. Searches of the area and examinations of local business security surveillance videos;
2. Persons detained revealed they were not connected to the shootings. In the case of the initial unknown male, he was identified as the parent of a student and had a cell telephone, rather than a weapon, in his hand;
3. Witness interviews which indicated that no witness saw anyone other than the shooter, with a firearm;
4. Witness interviews in which it was determined that a number of SHES staff had escaped from the school through a window and had been running outside the school building during the shootings;
5. The shotgun located in the shooter's car had been purchased by the shooter's mother previously;
6. The two sweat jackets were both C-Sport brand black zip up hooded sweat jackets with no size listed and were located immediately outside the shooter's car;²⁰ Both are believed to have been brought there by the shooter;²¹
7. The live shotgun shells (other than the one found on the shooter and the ones found in the shooter's car) that were located inside and outside of the school were in locations where first responders had been. Additionally, there were first responders who

¹⁹ The man was later determined to be the parent of one of the school's children and the item in his hand was a cell telephone.

²⁰ See the Appendix at page A174.

²¹ A parent who arrived at SHES as the shooting was taking place saw the shooter's car parked in front of the school with the passenger side door open and the two sweat jackets on the ground near the car. To the parent, the jackets looked like two black blankets on the ground.

- reported missing live shotgun rounds. Moreover, the shells were found in locations where there had not been reported sightings of any non-law enforcement individuals;
8. There were no expended shotgun shells found in the actual crime scene nor were any expended 12 gauge shotgun pellets or slugs recovered;
 9. The only expended casings located outside of the school building were 5.56 mm casings located just outside the school's front entrance, consistent with the shooter's entry into the school; and
 10. The officer who heard what he believed to be outside gunfire was in a position to have heard the shooter's gunfire coming from window openings in the classroom in which the shooter was firing.

Stopping the active shooter was the first priority. Once that occurred, the location and treatment of the victims, the search for additional shooters, and the safe evacuation of the school were of primary importance.²² The collection of evidence and the preservation and documentation of the crime scene, while important, came second.

Two command centers were set up, one at the firehouse on Riverside Road and the other at Newtown's Emergency Operations Center, located on the Newtown Fairfield Hills Campus. In the week immediately after the shootings, services to victims' families and victims, as well as support to the investigators in the school were handled out of the firehouse. All other aspects of the investigation not related to the school itself were run out of the Emergency Operations Center.

Investigation responsibilities were handled as follows:²³

Connecticut State Police (CSP)

CSP-Western District Major Crime (WDMC) squad was the lead CSP unit for the entire investigation and acted as the coordinating law enforcement agency for other agencies and units of the CSP.²⁴ The van unit processed the interior of SHES.

CSP-Central District Major Crime (CDMC) squad van unit processed the exterior of SHES, including the shooter's car, and established the temporary morgue²⁵ with the

²² One of the difficulties encountered was the inability of state police radios to operate within SHES.

²³ This report does not include a listing of all of the law-enforcement and non-law enforcement service providers and their actions. In the days and weeks that followed the tragedy, local, state and federal agencies provided help to the Town of Newtown and its families through counseling, funeral protection, traffic control, handling bomb threats as well as many other services. Additionally, the CSP set up an invaluable law enforcement liaison program with the families of the deceased victims in which a state or local police officer was specifically assigned to the family of a deceased victim to provide communication and protection in the days and weeks that followed December 14th.

²⁴ WDMC Squad and Van, as the lead CSP unit, over the course of the week that followed was there for seven days processing the interior scene, the shooter and victims' personal effects, including assisting with the packing and removal of furniture from the immediate scene.

²⁵ The Department of Public Health provided and set up the portable tent used for the temporary morgue.

OCME to identify and document the decedents prior to their being moved to the OCME in Farmington.²⁶ CDMC also attended the autopsies at the OCME and did a secondary search of 36 Yogananda Street, as well as photographing doors and locks in SHES.

Eastern District Major Crime (EDMC) squad processed the scene at 36 Yogananda Street and were the investigators for the shooting of Nancy Lanza, the shooter's mother.

CSP-Emergency Services Unit (ESU), Tactical Teams, were assigned to both SHES and 36 Yogananda Street to handle the clearing of the scenes and rendering them safe.²⁷

CSP – Troop A, Southbury and CSP from other troops and units, in addition to being first responders, worked to secure the scene and worked with WDMC and the OCME.

Computer Crimes and Electronic Evidence Unit handled the seizure and examination of additional electronic evidence from 36 Yogananda Street together with EDMC, CDMC and WDMC.

CSP - Collision, Analysis and Reconstruction Squad (CARS) was assigned to produce the sketch maps for both the interior and exterior of the school.

CSP - On December 14, 2012, virtually every aspect of the CSP was engaged in the response to SHES and 36 Yogananda Street. For example, included in the first responders were troopers and detectives, not only from Troop A in Southbury, but other troops and units as well, including the Statewide Narcotics Task Force.

Department of Energy and Environmental Protection (DEEP) provided first responders at SHES.

Forensic Science Laboratory, Division of Scientific Services, Department of Emergency Services and Public Protection (DESPP) examined items seized and collected from SHES and 36 Yogananda Street.

Office of the Chief Medical Examiner (OCME) was responsible for investigating the cause and manner of the deaths involved in this case and worked with the CSP in setting up the temporary morgue at SHES that was used to identify and document the deceased prior to their being moved to Farmington.

Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in addition to responding to both scenes, worked on the firearms aspect of the investigation.

²⁶ WDMC and CDMC personnel were also assigned and paired with the FBI to conduct interviews and neighborhood canvasses as well as assist with the identification of victims, investigate a report of another shooter at a hospital, as well as prepare search warrants and attend autopsies.

²⁷ There were numerous law enforcement agencies that worked on the clearing of SHES and the protection of those who were doing the clearing.

Federal Bureau of Investigation (FBI) – in addition to responding to the scenes, handled interviewing of witnesses and investigation both at a local level and on a national level. The Tactical Team assisted with the clearing of the school. The Behavioral Analysis Unit (BAU), as part of the search warrant execution for 36 Yogananda Street, was provided with materials for review. They provided their expertise in the preparation of witness interviews. The Victim Assistance Unit worked with victims' families, victims and witnesses.

United States Attorney's Office was stationed at the Emergency Operations Center overseeing the investigation into the possible commission of federal crimes and the issuance of federal legal process, as well as coordinating the various federal agencies involved in assisting with the state investigation.

United States Marshals Service, Technical Operations Group provided technical and investigation assistance.

United States Postal Service looked for mail that may have been relevant to the investigation.

Municipal Police Departments from around the state assisted throughout the Town of Newtown, including being first responders at SHES, handling calls in town and the tremendous inflow of media and visitors to the Town in the weeks after December 14, 2012.

Newtown Police Department in addition to being first responders, worked to secure the scene and assisted WDMC.

Office of the State's Attorney, Judicial District of Danbury (SAO) – oversaw the state investigation, working with the Connecticut State Police. Together with the assistance of the Office of the Chief State's Attorney, the SAO was stationed at the Emergency Operations Center starting December 14, 2012, and oversaw the legal issues and state aspect of the investigation including search warrant review, child witness issues, working with the federal authorities, etc.

SANDY HOOK ELEMENTARY SCHOOL – SCENE INVESTIGATION

On the afternoon of December 14, 2012, the WDMC and CDMC van units began documenting the crime scene and collecting evidence. The units could not begin this process until the scene was declared safe. The scene processing took seven days.

The scene was thoroughly processed, with the WDMC van unit handling the interior of SHES and the CDMC van unit covering the exterior. This processing included extensive written documentation as well as taking videos and thousands of photographs and measurements. In addition to the recovery of evidence, bullet trajectories were analyzed and documented.

My description of the scene processing starts with the front entrance and moves into the school building itself. This does not necessarily reflect the actual order in which the crime scene was processed. Many descriptions come directly from the investigation reports but are not in quotation marks to ease reading.

The conditions of windows and doors were documented, but some may have been disturbed by police and emergency personnel during the emergency response and protective sweep of the building. Similarly, other items of evidence, such as shell casings, may not have been found in their original positions because, as mentioned previously, the first priority was to locate and neutralize any active shooter, followed by the location and treatment of the victims, the search for additional shooters and the safe evacuation of the school. Only then could evidence collection begin.

Interior

Sandy Hook Elementary School was²⁸ a one story brick public school building of approximately 66,000 square feet, built in 1954. The building was on Dickinson Drive off of Riverside Road in the Sandy Hook section of Newtown. The front of the building sat in a magnetic northeast direction, but will be considered north for the purposes of this report. See the diagram at page 19.

SHES was rectangular in shape with four hallways in the main building and portable classrooms attached to the rear (south) side which were accessed from the south side of the main building. Classrooms on the exterior walls had even numbers and interior classrooms had odd numbers.

- Main entrance

The main entrance to the school was located next to the large glass window that the shooter shot out to enter the school. A patio area was just before the entrance doors. The entrance to the lobby consisted of two sets of locked full glass doors that opened outwardly using a pull handle. They were separated by a small vestibule. The doors were secured with an electronic locking mechanism. The doors could be opened from the inside with a horizontal push bar across the middle of the door.

The broken area of the window that the shooter shot out measured approximately 35.33 inches wide and 42.5 inches high.²⁹

The exterior of the main entrance door way had a call box, buzzer system with a video camera. The call box was installed in 2005. The video camera did not record, but the video could be viewed live on three monitoring systems on the secretaries' desks in the main office, with no recording capabilities. The electronic unlocking of the front doors was done by using a "key button" on any of the three monitoring systems.

Glass shards were located just before and to the side of the outside entrance doors on the patio and plantings in the area and also on the floor in the lobby.³⁰ Eight expended brass colored 5.56

²⁸ SHES was demolished in October and November 2013.

²⁹ See the Appendix starting at page A168.

³⁰ See the Appendix at page A169 and A171.

mm bullet casings stamped with "S&B 60 5.56x45"³¹ were located in the area outside the broken window and front entrance doors. These were seized.

The front entrance led into the school's lobby. The lobby measured approximately 28 feet north to south and 36 feet east to west. The southeast corner of the lobby allowed open access to the north hallway of the school. Sixteen brass colored expended 5.56 mm bullet casings were located on the floor within the lobby area and were seized. Furniture in the lobby area had holes consistent with having been struck by a bullet. There were eleven damaged areas consistent with bullet strikes in the lobby.

- North Hallway

The hallway on the north side of the building, where the shootings occurred, ran east to west and contained the lobby and main office, inside of which was the nurse's office. The hallway also contained rooms numbered 1-10, 11A-5 and 12. The bulk of the scene processing occurred in this area. See the diagram on page 19.

The ceiling as in the lobby was 8 feet high. And the width of the hall was 8.5 feet. The even numbered rooms were on the north side of the hallway with classroom 12 being the western most classroom and classroom 2 being the eastern most. The odd numbered rooms were on the south side of the hallway with the main office being the western most room and classroom 1 being the eastern most. East of the main office was a closet labeled "11A-5 storage" and the east of the closet was a conference room identified as Room 9.

The doors in the hallway all locked from the outside with a key. The interior door handles had no locking mechanism. All of the doors opened outwardly toward the hallway. All doors were solid wood with a circular window in the upper half of the door.³²

All classrooms in the north hallway had a restroom and a closet. The restrooms were uniformly designed, approximately 4 feet 7 inches by 3 feet 6 inches with a solid wood door. The door of each restroom opened inward and away from the toilet. Each restroom door had a knob push button lock on the inside handle and a key lock on the outside handle.³³ The conference room did not have a restroom.

Classrooms in the north hallway 12 and 10, 8 and 6, 6 and 4, and 3 and 5 respectively had an interior door that was shared by the two classrooms.

³¹ The ammunition used by the shooter in the Bushmaster rifle has been described as .223 caliber, 5.56 mm NATO and 5.56 X 45. All of these descriptions are for similar bullets (cartridges) that can be fired from the Bushmaster rifle. The ammunition that the shooter used in this case for the Bushmaster bore the stamp "S&B 60 5.56 X 45" on the base of the cartridges and will be referred to as a 5.56 mm round. The distinction between a .223 cal. and a 5.56 mm is not relevant to this report.

³² See the Appendix at page A178 for an example of classroom door locks.

³³ See the Appendix at page A177 for an example of restroom door locks.

N
↑

A-455

The bodies of Mrs. Hochsprung and Mrs. Sherlach were located in the western-most area of the north hallway, near the lobby. One brass colored expended 5.56 mm casing was located and seized from the floor in the area of Mrs. Hochsprung and Mrs. Sherlach.³⁴ In addition to the 5.56 mm ballistics, one 10 mm shell casing was found in the north hallway and was later identified as having been fired from the Glock 20, 10 mm pistol found near the shooter.

- **Conference Room (Room 9)**

Conference room 9 was on the south side of the north hallway on the opposite side of the hallway and approximately 16 feet east of the door for classroom 12. The room had a telephone mounted in the center of the west wall.

- **Classroom 12**

Classroom 12 was located on the north side of the north hallway and was the first classroom east of the front lobby. The classroom door was located 23 feet east of the lobby. The window to the door was covered on the hallway side with dark colored paper that was there from a previous lockdown drill.

- **Classroom 10**

Classroom 10 was located on the north side of the north hallway and was the second classroom east of the front lobby. The hallway door was approximately 27 feet east of classroom 12. The window was not completely covered, but did have a decoration over part of the inside of the window.

The room measured 27 feet east to west and 30 feet north to south with carpeted floors and painted cinder block walls. There were large windows across the north wall, which provided a view into the front (north) parking lot. Fluorescent ceiling lights turned on automatically when the room was entered. As mentioned previously, there was a restroom in the room and a closet. This closet door had no lock. The door that provided access to classroom 12 was on the center of the west wall. This had a key lock on both sides and the door was unlocked. There was a telephone mounted on the south side of the east wall north of the closet. An Emergency Response Packet Plan was hanging on the south wall. The packet was above a map depicting the emergency evacuation route for this classroom.

The classroom door that opened into the north hallway could only be locked with a key from the outside (hallway side). The door was unlocked with no signs of forced entry.

In the window area for classroom 10 there were no less than nine holes consistent with being bullet holes. Investigators conducted a trajectory analysis of the shots that went through the window area of classroom 10. No determination could be made as to whether the shots through the window area were intended for the outside of the building. In other words, it could not be determined whether the shooter, while in classroom 10, had intentionally fired at something or

³⁴ See the Appendix starting at page A130 for a description of the ballistics evidence from the north hallway.

someone outside of the building. There was no indication that any shots through the window area of classroom 10 came from outside of the school. All of the evidence indicates that shots went out of the window area of classroom 10 and into the parking area north of the school.

Classroom 10 evidence is further described below.

- **Classroom 8**

Classroom 8 was located on the north side of the north hallway and was the third classroom east of the front lobby, with its entrance door approximately 27 feet east of classroom 10. As with the others, its classroom door opened out into the hallway and could only be locked from the hallway side with a key. The window was not covered. The classroom door to the hallway was unlocked with no signs of forced entry.

The room dimensions and construction were similar to those of classrooms 10 and 12. There was also a restroom in this classroom. The closet door in classroom 8 had no locking device. There were also large glass windows across the north wall providing a view into the front (north) parking lot of the school. There was a wall telephone in the room on the south side of the east wall, north of the closet. An "Emergency Response Plan" packet was hanging on the south wall adjacent to the east side of the entrance door. This packet was above a map depicting the emergency evacuation route for the classroom.

The door that connected into classroom 6 was on the north side of the east wall, had key locks on both sides of the door. The door was unlocked.

Ballistic evidence located in classroom 8 is described in the Appendix at page A134, which includes a total of twenty-four rounds of 5.56 mm ammunition found, of which ten rounds were in one PMAG 30 magazine, thirteen rounds were in another such magazine and one live round was on the floor. There was a third empty PMAG 30 magazine seized. There were a total of eighty expended 5.56 mm casings seized from classroom 8.

- **Classrooms 6 and 4**

Located on the floor of classroom 6 was one live round "Federal Tactical" 12 gauge shotgun slug shell (Exhibit 49). This shotgun shell was made of clear-like plastic and was different in color from the shotgun shell that was seized on the shooter's person. On the floor of classroom 4 was a blue colored 12 gauge slug shotgun shell with the word "Federal Premium Tactical Rifled slug" stamped on the side and "12 GA Made in USA" stamped on the head of the shell (Exhibit 99). This shotgun shell was made of a blue colored plastic and also was different in color from the shotgun gun shell that was seized from the shooter's person.

As mentioned previously, the loose shotgun shells not found on the shooter were in locations where first responders had been and had reported missing shotgun shells. Additionally, there were no witness reports of any persons being seen with firearms other than first responders in those locations, there were no expended shotgun shell casings or projectiles recovered at the scene and the live shotgun shell on the shooter's person and those recovered from his car did not

match any of those recovered from the three locations. No shotgun was recovered from the school. It is believed that these live shells were dropped by first responders.

- Shooter

Responding police officers found the shooter in classroom 10 northwest of the hallway entrance dead from a self-inflicted gunshot wound to the head. He was wearing a pale green pocket vest over a black polo style short sleeve shirt over a black t-shirt. He had yellow colored earplugs in each ear. He was wearing black cargo pocket pants, black socks, black sneakers, a black canvas belt and black fingerless gloves on each hand. He had an empty camouflage drop holster that was affixed to his right thigh.

After all of the victims were removed from the school, the shooter's body was removed once all firearms and ballistic evidence were recovered from his person. The body was moved to the OCME on December 15, 2012.

- Weapons on Shooter and Ammunition in Classroom 10

The weapons on the shooter together with a description of items seized related to the shooting are contained in the Appendix starting at page A136. On the shooter's person was a loaded semi-automatic Sig Sauer P226, 9 mm pistol and additional ammunition. Located near the shooter was a partially loaded Glock 20, 10 mm semi-automatic pistol that appeared to be jammed.

A Bushmaster Model XM15-E2S rifle was located some distance away from the shooter. The rifle's shoulder strap was attached in the front but disconnected at the butt of the rifle. The disconnected rear portion was the result of a failed nut attachment. It is unknown if the nut failed while the rifle was being used or as the result of being dropped or thrown to the floor.

The Bushmaster rifle was found with the safety in the "fire" position. There was one live 5.56 mm round in the chamber and one PMAG 30 magazine in the magazine well. The magazine contained fourteen live 5.56 mm rounds of ammunition. The rifle did not appear to have malfunctioned when observed by the WDMC van unit, but a CSP-ESU report described the weapon as appearing to have jammed. When tested later, the rifle functioned properly.

Two empty PMAG 30 magazines that were duct-taped together in a tactical configuration and one live 5.56 mm round were found near the rifle.

Officers found two-hundred-fifty-three live rounds on the shooter's body: one-hundred-sixteen 9 mm rounds, seventy-five rounds of 10 mm, sixty-one rounds of 5.56 mm and one 12 gauge shotgun shell. Officers also seized forty-six 5.56 mm live rounds. This consisted of fifteen from the rifle, one from the floor and thirty from the magazine under the body of the shooter, as well as thirteen 10 mm live rounds (nine from the Glock and four from the floor). There were forty-nine expended 5.56 mm casings seized and one 10 mm casing from classroom 10. Total live rounds seized were three-hundred-twelve and total expended casings seized from classroom 10 were fifty.

Exterior

CDMC processed the exterior of SHES.

- Shooter's Car

The shooter's car was found parked in front of the school, west of the front entrance, next to a "No Parking" zone. It was a black 2010 Honda Civic with Connecticut registration 872YEO. The car was registered to his mother, Nancy Lanza, but had been purchased for him.

Recovered from the car was an Izhmash Saiga-12, 12 gauge shotgun with two magazines containing a total of twenty rounds of ammunition.³⁵ The shotgun and ammunition were originally seen in the passenger compartment of the car and were moved by police to the car's trunk for safekeeping during the initial response and evacuation.

- Parking Lot

There were a number of cars parked in the north parking lot of SHES. Three of these cars were struck by gunfire. None of the cars struck belonged to law enforcement. A total of five strikes to those three cars were identified as having come from classroom 10. It could not be determined whether these shots were intended to go outside of the classroom.

Also found in the north parking lot, was a shotgun shell that was dropped by a first responder.

SANDY HOOK ELEMENTARY SCHOOL – AUTOPSY INFORMATION

Deceased victims were removed from the school building to a large military-style tent located in the north parking lot, near the front of the school. The Office of the Chief Medical Examiner sought to make positive identification of the victims through photos, school records and personal and clothing descriptions.

On Saturday, December 15, 2012, all of the victims were transported to the OCME in Farmington for autopsies; autopsies were performed the same day. The cause of death for all of the victims was determined to have been gunshot wounds; the manner of death was determined to have been homicide.³⁶

Evidence collected during the autopsies was turned over to CDMC and forwarded to the Division of Scientific Services for examination. The Evidence Examination section of this report contains a summary of the results.

³⁵ A search warrant was obtained for the car. The search warrant return originally reported the amount of ammunition as seventy rounds. This was corrected to twenty rounds and the search warrant return was amended.

³⁶ Our law defines homicide as the killing of one human being by another human being.

36 YOGANANDA STREET, NEWTOWN, CT – INCIDENT AND RESPONSE

Incident

Sometime on the morning of December 14, 2012, before 9:30 a.m., the shooter shot and killed his mother, Nancy Lanza, in her bed at 36 Yogananda Street, Newtown. The weapon used was a .22 caliber Savage Mark II rifle. Someone in the area reported hearing “two or three” gunshots in the neighborhood between 8:00 a.m. and 9:00 a.m. That person thought them to be from hunters, though the person indicated the shots did “sound unusually close.”

Between 9:30 a.m. and 10:00 a.m. there was a delivery made to the house. The delivery driver saw no one, did not see any vehicles in the driveway and the garage door was closed. A delivery slip was left and the driver continued on.

The mother was found by police dead in her bed when they entered the house. The rifle was found on the floor next to the bed.

Response

Once it was determined that the shooter’s car was registered to his mother at 36 Yogananda Street, Newtown, Connecticut, the Newtown police went to the house and evacuated the surrounding homes. The CSP-ESU came to the scene to clear the residence of potential hazards, such as booby traps or trip wires.

36 YOGANANDA STREET, NEWTOWN, CT – SCENE INVESTIGATION

After the body of the shooter’s mother was found and the scene declared safe, the process of obtaining search warrants for the house began, with the first warrant being reviewed and signed by a judge of the Superior Court at 5:29 p.m. on December 14, 2012, at the Emergency Operations Center.³⁷

Additional search warrants were approved and issued as the search disclosed additional evidence. The investigation of the shooter’s mother’s killing and the scene processing was done by EDMC and the search for evidence at 36 Yogananda Street related to the shootings at SHES was investigated by both CDMC and WDMC. A list of the items seized from the home is contained in the search warrant returns in the Appendix, with some descriptions in the “Digital Image Report,” starting at page A188 in the Appendix.³⁸

³⁷ The Judicial Branch and the Honorable John F. Blawie are to be commended for their response to the SHES shootings. Judge Blawie was available at the Emergency Operations Center to review search warrants.

³⁸ A description of the home is also in the Appendix starting at page A181.

The weapon used to kill Nancy Lanza, the .22 cal. Savage Mark II rifle, was found near her bed and seized. In the chamber of the rifle was a spent .22 cal. shell casing and three live rounds were in the magazine. Three other spent .22 cal. shell casings were found in the room and seized.

The shooter's second floor bedroom windows were taped over with black trash bags. The second floor computer room also had its windows covered. There, investigators found a computer hard drive that appeared to have been intentionally damaged. To date, because of the extensive damage, forensic experts have not yet been able to recover any information from that hard drive.

In a typical criminal case, the investigation would remain open when potentially important evidence was still being examined. Given the improbability of any information being recovered from the damaged hard drive, this outstanding piece of evidence is not preventing the closure of this case now. Should any relevant information related to the existence of any accessory or co-conspirator be obtained from the hard drive, the case will be reopened.

Investigators found a large number of firearms and related items in the home. All firearms involved in these incidents were legally purchased by the shooter's mother over the years. The home also contained many edged weapons, knives, swords, spears, etc. A prescription bottle in the shooter's name for acetaminophen with codeine was found in the mother's bathroom, which was part of the master bedroom.

During the search of 36 Yogananda Street, a global positioning system (GPS) device was located in the shooter's room with various routes in the memory from April 25, 2012, through December 13, 2012. Investigation revealed that the GPS was purchased for the shooter.

The routes taken indicate a number of trips from 36 Yogananda Street to the area of a local theater where a commercial version of the game "Dance Dance Revolution" is located. Over that time period, trips were made that took the driver in the vicinity of some schools in Newtown, including SHES. On December 13, 2012, a trip was recorded from 2:09 p.m. to 2:32 p.m. starting and ending on Yogananda Street and driving in Sandy Hook, which is in the area of SHES, though the route does not indicate the shooter drove up to the school.

Numerous video games were located in the basement computer/gaming area. The list of video games includes, but is not limited to:

- "Left for Dead"
- "Metal Gear Solid"
- "Dead Rising"
- "Half Life"
- "Battlefield"
- "Call of Duty"

- "Grand Theft Auto"
- "Shin Megami Tensei"
- "Dynasty Warriors"
- "Vice City"
- "Team Fortress"
- "Doom"

Other items found and noted for this report are:

- A Christmas check from the mother to the shooter to purchase a CZ 83 firearm;³⁹
- A New York Times article from February 18, 2008, regarding the school shooting at Northern Illinois University;
- Three photographs of what appear to be a dead human, covered in blood and wrapped in plastic;
- The book *Amish Grace: How Forgiveness Transcended Tragedy*, Jossey-Bass, 2007, by Donald B. Kraybill, Steven Nolt and David Weaver-Zercher;⁴⁰ and
- Photocopied newspaper articles from 1891 pertaining to the shooting of school children

While the vast majority of persons interviewed had no explanation for the shooter's actions, a review of electronic evidence or digital media that appeared to belong to the shooter, revealed that the shooter had a preoccupation with mass shootings, in particular the Columbine shootings⁴¹ and a strong interest in firearms. For example, there was a spreadsheet with mass murders over the years listing information about each shooting.

The review of the electronic evidence also found many things that are on a typical hard drive or memory card that would probably have no relevance to the investigation either because of creation date or subject matter. That being said, the following selected topics or items were found within the digital evidence seized:

- Bookmarks pertaining to firearms, military, politics, mass murder, video games, music, books, Army Ranger, computers and programs, ammunition, candy, economic books
- Web page design folders
- Two videos showing suicide by gunshot
- Commercial movies depicting mass shootings
- The computer game titled "School Shooting" where the player controls a character who enters a school and shoots at students
- Screen shots (172) of the online game "Combat Arms"
- "Dance Dance Revolution" (DDR) game screen shots
- Videos of shooter playing DDR
- Images of the shooter holding a handgun to his head
- Images of the shooter holding a rifle to his head
- Five-second video (dramatization) depicting children being shot
- Images of shooter with a rifle, shotgun and numerous magazines in his pockets
- Documents on weapons and magazine capacity

³⁹ The return for the December 16, 2012, search warrant indicates that Exhibit #612 was a check for a "C183." A closer inspection of the check makes it clear that "CZ83" is written. A CZ 83 is a type of pistol. The check reads "Christmas Day" in the check's date section.

⁴⁰ In October 2006 a gunman entered a one-room Amish school in Pennsylvania, killed five children and leaving others wounded.

⁴¹ The Columbine High School shootings occurred in April 1999 at Columbine High School in Colorado. Two shooters, in a planned attack, killed a number of students and a teacher and injured others.

- A document written showing the prerequisites for a mass murder spreadsheet
- A spreadsheet listing mass murders by name and information about the incident
- Materials regarding the topic of pedophilia and advocating for rights for pedophiles (not child pornography)⁴²
- Large amount of materials relating to Columbine shootings and documents on mass murders
- Large amount of materials on firearms
- Comedy videos
- Music
- Images of hamsters
- Images of Lego creations

36 YOGANANDA STREET, NEWTOWN, CT – AUTOPSY INFORMATION

The OCME performed an autopsy on the body of Nancy Lanza, age 52, on December 16, 2012, at the OCME. The cause of death was determined to be multiple gunshots to the head. The manner of death was homicide.

SHOOTER - AUTOPSY INFORMATION

The autopsy of the shooter was conducted on December 16, 2012, at the OCME. The shooter, age 20, was 72 inches tall and weighed 112 pounds. No drugs were found in the shooter's system. The cause of death was determined to be a gunshot wound to the head. The manner of death was suicide.

INVESTIGATION TO DETERMINE ACCESSORIES AND/OR CO-CONSPIRATORS

The investigation sought to determine if the shooter was aided by or had conspired with anyone to commit these crimes. As detailed above, none of the persons found in the vicinity of SHES on December 14, 2012, played any role in the shootings. Most were attempting to escape the area; others were responding to the school after learning of the shootings. None had any association with the shooter.

Investigators then sought to determine if anyone had conspired with or aided the shooter before the shootings. To that end, investigators examined social contacts, writings, e-mails, internet blogs, telephone records and his general internet presence. One of the internet blogs on which the shooter posted focused on mass shootings and in particular the Columbine shootings. The shooter also exchanged e-mails with others who were interested in the topic of mass shootings. None of these communications, however, related to SHES or in any way suggested that the shooter intended to commit a mass shooting. Thus, the evidence as developed to date, does not demonstrate that any of those with whom he communicated conspired with the shooter or criminally aided and abetted him in committing the murders on December 14, 2012.

⁴² No child pornography was seen on any of the digital media.

EVENTS AND BACKGROUND INFORMATION LEADING UP TO DECEMBER 14, 2012

Recent Background Information

As of December 14, 2012, the shooter and his mother lived at 36 Yogananda Street. This had been the family home for years, although only the shooter and his mother had resided in the house for an extended time.

Both the shooter's and his mother's bedrooms were on the second floor; the mother occupied the master bedroom.

In November 2012, the mother sought to buy the shooter another computer or parts for a computer for the shooter to build one himself. She was concerned about him and said that he hadn't gone anywhere in three months and would only communicate with her by e-mail, though they were living in the same house. The mother never expressed fear of the shooter, for her own safety or that of anyone else.

The mother said that she had plans to sell her home in Newtown and move to either Washington state or North Carolina. She reportedly had told the shooter of this plan and he apparently stated that he wanted to move to Washington. The intention was for the shooter to go to a special school in Washington or get a computer job in North Carolina. In order to effectuate the move, the mother planned to purchase a recreational vehicle (RV) to facilitate the showing and sale of the house and the eventual move to another state. The RV would provide the shooter with a place to sleep as he would not sleep in a hotel. In fact, during Hurricane Sandy in October 2012, with no power in the house, the shooter refused to leave the home and go to a hotel.

The mother wanted to buy the shooter a CZ 83 pistol for Christmas and had prepared a check for that purchase to give the shooter.

On December 10, 2012, the mother indicated to a friend that the shooter had bumped his head badly, there was some bleeding, but he was okay. This appeared to have occurred at 5:30 a.m. She then prepared for her trip to New Hampshire and cooked for the shooter before she left, leaving him his favorites.

During the week of December 10, 2012, the shooter's mother was out of town in New Hampshire. She arrived home Thursday evening December 13, 2012, at approximately 10:00 p.m.

As mentioned above, the GPS found in the home, revealed that on Thursday, December 13, 2012, the device was used. It recorded a trip from and back to 36 Yogananda Street with a route in the Sandy Hook area of Newtown between 2:09 p.m. and 2:32 p.m. The GPS did not report that the driver drove up to SHES. Presumably this was the shooter driving the black Honda Civic as this would have been the only car available to the shooter and it was reportedly his, having been purchased for him.

General Background Information

Investigators conducted many interviews with persons who knew the shooter and members of his family. As explained above, they did so principally to determine if anyone had conspired with the shooter or aided his crimes. But they also sought to ascertain what might have motivated him to murder children and their teachers and his mother.

The first question was whether the shooter had a reason specifically to target SHES or any student, teacher, or employee. No evidence suggests that he did. In fact, as best as can be determined, the shooter had no prior contact with anyone in the school that day. And, apart from having attended the school as a child, he appears to have had no continuing involvement with SHES.

More generally, those who knew the shooter describe him in contradictory ways. He was undoubtedly afflicted with mental health problems; yet despite a fascination with mass shootings and firearms, he displayed no aggressive or threatening tendencies. In some contexts he was viewed as having above-average intelligence; in others below-average. Some recalled that the shooter had been bullied; but others – including many teachers – saw nothing of the sort. With some people he could talk with them and be humorous; but many others saw the shooter as unemotional, distant, and remote.

What follows are some observations that investigators developed in attempting to determine the shooter's motive.

Parents

The shooter's mother and father Peter Lanza had been married to each other. They moved from New Hampshire to the Sandy Hook section of Newtown in 1998. In addition to the shooter, they had another son Ryan Lanza, who was four years older than the shooter.⁴³ In 2001 the shooter's parents separated. The children continued to reside with the mother. The parents subsequently divorced. The father remarried in 2011; the mother never remarried.

After college, the brother moved out of state. He reached out to the shooter a few times but the shooter did not respond. As of December 14, 2012, the older brother had not had contact with the shooter since 2010. The brother believed that the shooter and his mother had a close relationship. After his older brother left for college, the shooter reportedly became interested in firearms and at one point considered joining the military.

Both the shooter's mother and father indicated that the shooter was bullied growing up. The father indicated that it was not excessive and concerned his social awkwardness and physical gait. As expanded upon in the Education and Mental Health section below, other witnesses did not recall the shooter being overtly bullied. Nonetheless, the shooter appears to have had few friends growing up.

⁴³ Both the shooter's father and brother cooperated fully with the investigation.

The shooter's father saw him regularly until he turned 18. They would go hiking, play video games and other activities. They went shooting twice. The shooter had a cell phone but never used it. Calls all went to voice mail. His father would just e-mail him when he wanted to reach him.

The shooter's relationship with his father deteriorated in the last quarter of 2010 and the father last saw the shooter in that year. After that the father would reach out to the shooter by mail or through e-mails regularly, asking him to join him at various places for different activities. The shooter stopped responding at some point prior to December 2012.

One witness who knew the shooter in 2011 and 2012 said that he rarely mentioned his father or his brother; though he would mention briefly something he did with his father or brother in the past.

While it appears that the shooter's mother did volunteer at SHES, it was when the shooter was a student. There is no indication that she volunteered there in recent years.

The mother took care of all of the shooter's needs. The mother indicated that she did not work because of her son's condition. She worried about what would happen to the shooter if anything happened to her.

One witness indicated that the shooter did not have an emotional connection to his mother. Recently when his mother asked him if he would feel bad if anything happened to her, he replied, "No." Others, however, have indicated that they thought the shooter was close to his mother and she was the only person to whom the shooter would talk.

A person who knew the shooter in 2011 and 2012 said the shooter described his relationship with his mother as strained because the shooter said her behavior was not rational.

The shooter was particular about the food that he ate and its arrangement on a plate in relation to other foods on the plate. Certain types of dishware could not be used for particular foods. The mother would shop for him and cook to the shooter's specifications, though sometimes he would cook for himself. Reportedly the shooter did not drink alcohol, take drugs, prescription or otherwise, and hated the thought of doing any of those things.

The mother did the shooter's laundry on a daily basis as the shooter often changed clothing during the day. She was not allowed in the shooter's room, however, even to clean. No one was allowed in his room.

The shooter disliked birthdays, Christmas and holidays. He would not allow his mother to put up a Christmas tree. The mother explained it by saying that shooter had no emotions or feelings. The mother also got rid of a cat because the shooter did not want it in the house.

People Outside the Family

When the shooter had his hair cut, he did not like to be touched and did not like the sound of clippers, so they were not used much. He would sit with his hands in his lap and always look down, giving one word answers if the cutter tried to engage him in conversation.

Those who worked on the property at 36 Yogananda Street never entered the home. They spoke with the mother outside in the yard or at the bottom of driveway. They were instructed never to ring the doorbell and to make prior arrangements before using power equipment as her son had issues with loud noises. The shooter was observed at times coming and going from the residence.

There were a number of people who knew the mother over the years, some fairly well, who had never met the shooter – although were aware of his existence – and had never been inside her residence.

Shooter's Interests

Over the years his hobbies included building computers,⁴⁴ writing poetry and hiking. The shooter worked briefly at a computer repair shop. When he was younger he played the saxophone. The shooter had a cell phone but never used it.

Shooting was a pastime in which the family engaged. Over the years the shooter enjoyed target shooting and would go to a range with his brother and mother. The mother had grown up with firearms and had a pistol permit. The shooter did not. Both the mother and the shooter took National Rifle Association (NRA) safety courses. The mother thought it was good to learn responsibility for guns. Both would shoot pistols and rifles at a local range and the shooter was described as quiet and polite.

He played video games often, both solo at home and online. They could be described as both violent and non-violent. One person described the shooter as spending the majority of his time playing non-violent video games all day, with his favorite at one point being "Super Mario Brothers."

Another said he used the computer to play games online and communicate. Sometimes the shooter would not respond to e-mails and be unavailable for a couple of weeks. The shooter explained that he was "moping around." The shooter frequently formatted the hard drive of his computer as a way of "staying off the grid" and minimizing his internet trace.

Initially the shooter did not drive but he eventually got a driver's license and the Honda was purchased for him. The shooter was issued a driver's license in July 2010.

The shooter liked to play a game called "Dance Dance Revolution" (DDR), which is a music video game in which the player stands on a platform, watches a video screen and moves his feet

⁴⁴ By all accounts the shooter was extremely computer savvy.

as directed by the video. A home version of this was seen and photographed in the shooter's home.⁴⁵ Several videos of him playing DDR were found on digital media taken from the home.

The GPS found in the home and reportedly belonging to the shooter indicated that he regularly went to the area of a theater that had a commercial version of the DDR game in the lobby. In 2011 and up until a month before December 14, 2012, the shooter went to the theater and played the game. He went most every Friday through Sunday and played the game for four to ten hours.

The shooter was specific about the clothes he wore. He typically wore the same clothing when at the theater: a grey hoodie and slacks. After a snowstorm in 2011 the shooter was not seen at the theater until about February 2012. At that time he seemed more anti-social and no longer played DDR with others.

An acquaintance of the shooter from 2011 to June 2012 said that the shooter and the acquaintance played DDR quite a bit. They would play the game and occasionally see a movie. They did not play first person shooter games at the theater.⁴⁶ The shooter had stamina for DDR and never appeared winded unless really exhausted.

The acquaintance said the shooter seemed to enjoy nature and mentioned the possibility of going hiking more than once. The shooter was capable of laughing, smiling and making jokes, though always in a dry fashion. The shooter never mentioned being bullied while growing up. Topics of conversation included world and current events, and included chimpanzee society and how they interacted.

In the course of their conversations, the shooter indicated that he had an interest in mass murders and serial killing. They never spent a lot of time discussing them, but it would be a topic of conversation.⁴⁷ There were no conversations about weapons or shooting at a gun range.

Shooter – Education and Mental Health

The following background information is compiled from a variety of sources and may at times appear to be inconsistent. This is a function of the differing perspectives of those interviewed. The information also varied based upon the time period during which the witness knew or associated with the shooter or his family.

The shooter went through the Newtown public school system, though part of seventh grade and part of eighth grade were done at St. Rose of Lima School in Newtown.

⁴⁵ See the Appendix at page A197.

⁴⁶ Online first person shooter games that the shooter did play as determined by a search of the digital media in the home, "Combat Arms" and "World of Warcraft" were played on the computer using a keyboard to control the player.

⁴⁷ The shooter also wrote about all of these topics. Other topics of discussion included human nature, perception, judgment, morality, lack of control, prejudice, empathy, suicide, mental illness, existential crisis, urban exploration of abandoned areas, hiking and cookies.

While the shooter did attend SHES from 1998 to 2003, the first through fifth grade, he was never assigned to the classrooms where the shootings occurred. The shooter went for walks with his family around and near SHES after he had gotten out of the school. The shooter indicated that he loved the school and liked to go there.

According to some, the shooter was more social when he first moved to Connecticut and was younger. He would attend play groups and parties. The early school years have him portrayed as a nice kid, though sort of withdrawn. He loved music and played saxophone.

As he got older his condition seemed to worsen, he became more of a loner. As the shooter got into the higher grades of middle school, he did not like noise and confusion and began to have issues when he had to walk to different classes. As a result, in high school, the shooter was home schooled for a period of time. Though not in a mainstream setting, he could sit through a quiet lecture. The mother drove the shooter where he needed to go. He did not want to go to events with crowds.

He attended Newtown High School (NHS) with a combination of home schooling, tutoring and classes at NHS and Western Connecticut State University (WCSU). At NHS he was considered a special education student. Having enough credits, the shooter graduated from NHS in 2009. He continued to take classes at WCSU after high school graduation.

Various witnesses made the following observations about the shooter through his school years:

1. In the 2002-2003 school year, when the shooter was in the fifth grade, he was quiet, reluctant, very bright and had good ideas regarding creative writing. He wouldn't necessarily engage in conversation, but wouldn't ignore one. There was no recollection of him being bullied or teased.
2. The fifth grade was also the year that, related to a class project, the shooter produced the "Big Book of Granny" in which the main character has a gun in her cane and shoots people. The story includes violence against children. There is no indication this was ever handed in to the school.⁴⁸
3. In the fifth grade the shooter indicated that he did not like sports, did not think highly of himself and believed that everyone else in the world deserved more than he did.
4. In intermediate school from 2002-2004 he was a quiet shy boy who participated in class and listened. He did not show enthusiasm, extreme happiness or extreme sadness. He was neutral.
5. In the fifth and sixth grades from 2003 to 2004 the shooter participated in concerts at school. He was not remembered by the teacher as having been bullied and the shooter had at least one friend.
6. A sixth grade teacher described the shooter as an average student with A's and B's; homework was never an issue. The shooter never made trouble or distracted others. He had friends and was friendly to others. He was a normal child with no oddities and there were no reports of bullying or teasing.

⁴⁸ See the Appendix starting at page A220.

7. In 2004 while at the intermediate school he was described as respectful and cooperated with others.
8. One person who remembered him from the middle school never saw the shooter bullied.
9. In seventh grade, a teacher described the shooter as intelligent but not normal, with anti-social issues. He was quiet, barely spoke and did not want to participate in anything. His writing assignments obsessed about battles, destruction and war, far more than others his age. The level of violence in the writing was disturbing. At the same time, when asked to write a poem, he was able to write a beautiful one and presented it in public.
10. In the ninth and tenth grades the shooter was reclusive, shutting himself in the bedroom and playing video games all day. In the upper classes the shooter compiled a journal instead of attending physical education.
11. In high school the shooter did not have good social skills. He did not show any signs of violence.
12. In high school the shooter would have "episodes"⁴⁹ and his mother would be called to the school. The episodes would last about fifteen minutes each. There were no signs of violence during any of these episodes and the shooter was more likely to be victimized than to act in violence against another.
13. In high school the shooter was not willing to talk much, hard to communicate with and had poor social skills. He often became withdrawn in a social environment. The shooter would have both inclusive class time and leave the class for specialized sessions.
14. At NHS the shooter was in the "Tech Club" in 2007-2008. He was remembered in a variety of ways including as a quiet person who was smart. He wore the same clothing repeatedly and might not speak to you, even if you were talking to him. He was not remembered to have been bullied or to have spoken about violence. The advisor looked out for him and tried to have him included wherever possible. He was also remembered for pulling his sleeves over his hand to touch something. He was not known to be a violent kid at all and never spoke of violence.
15. The shooter had a LAN party⁵⁰ at his home in 2008 with Tech Club members; no firearms were seen at the shooter's home.
16. In terms of video games, the shooter liked to play "Phantasy Star Online" (a role playing game), "Paper Mario," "Luigi's Mansion" and "Pikmin." He also liked Japanese animated films and television.

Over the years from the late 1990s and into the 2000s, the shooter had evaluations of various types, some of which were available to the investigators. In the late 1990s he was described as having speech and language needs. At that time he was also being followed medically for seizure activities. In preschool his conduct included repetitive behaviors, temper tantrums, smelling things that were not there, excessive hand washing and eating idiosyncrasies.

In 2005, the shooter was diagnosed with Asperger's Disorder and was described as presenting with significant social impairments and extreme anxiety. It was also noted that he lacked empathy and had very rigid thought processes. He had a literal interpretation of written and

⁴⁹ What these episodes were was unclear.

⁵⁰ This is a party where attendees eat pizza and play video games.

verbal material. In the school setting, the shooter had extreme anxiety and discomfort with changes, noise, and physical contact with others.

In 2006 the shooter had an overall IQ in the average range. He had no learning disability. Depending on the psychological test taken he could be average, below average or above average. Testing that required the touching of objects could not be done. It was reported that his school issues related to his identified emotional and/or Pervasive Developmental Disorder (PDD) spectrum behaviors. His high level of anxiety, Asperger's characteristics, Obsessive Compulsive Disorder (OCD) concerns and sensory issues all impacted his performance to a significant degree, limiting his participation in a general education curriculum. Tutoring, desensitization and medication were recommended. It was suggested that he would benefit by continuing to be eased into more regular classroom time and increasing exposure to routine events at school.

The shooter refused to take suggested medication and did not engage in suggested behavior therapies.

Over the years his mother consistently described the shooter as having Asperger's syndrome. She had a number of books in the home on the topic. She also described the shooter as being unable to make eye contact, sensitive to light and couldn't stand to be touched. Over time he had multiple daily rituals, an inability to touch door knobs,⁵¹ repeated hand washing and obsessive clothes changing, to the point that his mother was frequently doing laundry.

In 2006, the shooter's mother noted that there were marked changes to the shooter's behavior around the seventh grade. Prior to that, he would ride his bike and do adventurous things such as climbing trees or climbing a mountain. He had stopped playing the saxophone. He had been in a school band but dropped out. He had withdrawn from playing soccer or baseball which he said he did not enjoy.

It is important to note that it is unknown, what contribution, if any, the shooter's mental health issues made to his attack on SHES. Those mental health professionals who saw him did not see anything that would have predicted his future behavior.

EVIDENCE EXAMINATION

Electronics

Examinations of the following seized items were done by the WDMC squad and the Computer Crimes and Electronic Evidence Laboratory of the Department of Emergency Services and Public Protection (DESPP).

Sony PlayStation 2: An older games history was found. Games located included "Dynasty Tactics," "Kingdom Hearts," "Kingdom Hearts 2," "Onimusha," "Dynasty Warriors," and "The Two Towers." The PlayStation 2 games could not be played with others over the internet.

⁵¹ This included not opening doors for himself because he did not like touching the door handle or other metal objects, often going through a box of tissues a day to avoid the contact.

Xbox: A game history for the console and an indication of an Xbox Live user account were found. Games found in the gaming history included "Call of Duty 2: Big Red One," "Call of Duty: Finest Hour," "Dead or Alive 3," "Halo," "Halo 2," "Lego Star Wars," "MechAssault," "Mercenaries," "MGS2 Substance," "Panzer Dragoon ORTA," "PSO," "Shenmue II," "Spiderman," "Splinter Cell 2," "Splinter Cell-CT," "Star Wars Battlefront," "Star Wars Republic Commando," "Tenchu: Return from Darkness," "The Return of the King," and "Worms Forts Under Seige."

It was noted on both of the above items that the gaming history found may not be the complete history of those actually played. No evidence regarding the existence of any accessories or co-conspirators was found.

Xbox 360: Found to be damaged and inoperable.

Firearms and Related Evidence

Of the firearms seized in this case, five are directly involved, four from SHES and one from 36 Yogananda Street.

- History

All of the firearms below and involved in these cases were legally purchased by the shooter's mother. Additionally, ammunition of the type used in these cases had been purchased by the shooter's mother in the past. There is no reason to believe the ammunition used here was purchased by anyone else. The evidence does not show any ammunition purchases by the shooter.

The shooter did not have a permit to carry a pistol, nor had he ever had one. His mother had a valid pistol permit.

A pistol is defined as "... any firearm having a barrel less than twelve inches."⁵² Both the Glock 20, 10 mm and the Sig Sauer P226, 9 mm qualify as pistols. They are firearms and their barrel lengths were less than 12 inches.

- Firearms, Recovered Bullets and Fragments

Recovered from Shooter's Honda Civic Outside of SHES

Izhmash Saiga-12, 12 gauge, semiautomatic shotgun: The Izhmash Saiga-12 was found in the shooter's Honda Civic that was parked outside SHES. It was tested and found to be operable without malfunction. There was no physical evidence indicating this weapon had been fired at SHES, i.e., the bullets, bullet fragments and expended shell casings recovered at the scene and from the OCME could not have been fired from this weapon.

⁵² C.G.S. Sec. 53a-3(18).

Recovered from Classroom 10, SHES

Bushmaster Model XM15-E2S semiautomatic rifle: The Bushmaster rifle was found in classroom 10. The Bushmaster was tested and found to be operable without malfunction. All of the 5.56 mm shell casings from SHES that were tested were found to have been fired from this rifle. All of the bullets and fragments, recovered from SHES and the OCME that were tested, with the exception of those mentioned immediately below, are consistent with having been fired from the Bushmaster rifle.⁵³ They could not have been fired from the Saiga-12, the Glock 20 or the Sig Sauer P226.

Glock 20, 10 mm, semiautomatic pistol: The Glock 20 was found in classroom 10 near the shooter's body. The Glock 20 was tested and found to be operable without malfunction. It was found to have fired both of the 10 mm shell casings recovered at SHES. It was consistent with having fired the bullet that was recovered from the ceiling of classroom 8 in a location along the trajectory of the suicide shot of the shooter in classroom 10. It could have fired the three bullet fragments recovered from classroom 10. The three fragments together weigh less than one bullet and are presumed to have been parts of the same one bullet. Though all lacked sufficient striate for a positive identification, all had polygonal rifling consistent with the Glock 20. They could not have been fired from the Saiga-12, the Bushmaster or the Sig Sauer P226.

Sig Sauer P226, 9 mm, semiautomatic pistol: The Sig Sauer P226 was found in classroom 10 on the shooter's person. The Sig Sauer P226 was tested and found to be operable without malfunction. There was no physical evidence found indicating that this weapon had been fired at SHES, i.e. casings, bullets and bullet fragments recovered at the scene and from the OCME could not have been fired from this weapon.

The total weight of the guns and ammunition from the shooter at SHES was 30.47 lbs.⁵⁴

Recovered from 36 Yogananda Street, Newtown, CT

Savage Mark II, .22 cal. Long Rifle, bolt action: The Savage Mark II rifle was found on the floor of the master bedroom near the bed where the body of the shooter's mother was found. The rifle was found to be operable without malfunction. The rifle was found to have fired the .22 cal. casing recovered from the rifle's chamber and the three .22 cal. casings found in the master bedroom. The rifle also was found to have fired the four bullets recovered during the autopsy of the shooter's mother.

⁵³ "No positive identification could be made to any of the bullet evidence submissions noted ... in 5.56 mm caliber. The physical condition of the bullet jacket surfaces were severely damaged and corroded. They all lacked individual striated marks of sufficient agreement for the identification process. The test fires also exhibited a lack of individual striated marks on the bullet surface for comparison purposes. This condition can be caused by fouling in the barrel of the rifle and the ammunition itself. The Bushmaster rifle cannot be eliminated as having fired the 5.56 caliber bullet evidence examined," quoting from the 6/19/13 Forensic Science Laboratory report.

⁵⁴ See the Appendix at page A141.

Other Testing

In the course of the investigation swabbings to test for DNA were taken from various pieces of evidence in the case, both at Sandy Hook Elementary School and 36 Yogananda Street. The purpose was to determine if anyone else had actively been involved in the planning or carrying out of the shootings. These swabbings were tested and compared to known samples in the case and no potential accessories or co-conspirators were revealed by the testing.⁵⁵

MISCELLANEOUS INVESTIGATIVE LEADS

In the course of the investigation, law enforcement personnel received a large number of contacts purporting to provide information on the shootings and the shooter. This applied to both state and federal law enforcement. Information that was substantiated and relevant was made part of the investigation. Other information, after investigation was not substantiated.

Typically someone would call the CSP and leave a message that they had information relevant to the shootings at Sandy Hook Elementary School. In an abundance of caution, a detective was assigned to follow up on every "lead," regardless of its presumed validity.

Some of the more than forty unsubstantiated leads and information are described below because of their nature or mention in investigation documents.

1. In the December 14, 2012, 7:25 p.m. search warrant for 36 Yogananda Street, paragraphs 8 and 9 read as follows:
 8. That investigators determined that on 12/12/12, an individual logged onto a website called 4Chan.com and anonymously posted "I'm going to kill myself on Friday and it will make the news. be watching at 9:00 am." That another anonymous individual asked "Where at?" The first individual responded "I live in Connecticut, that's as much as I'll say."
 9. That additionally on 12/14/12, a concerned individual in Texas contacted the Hartford Police Department and reported that her son was playing a video game named 'Call of Duty' approximately 20 hours ago. She continued that a gamer with the screen name [RaWr]i<3EmoGirls (hereinafter "User") stated; "next week or very soon there maybe a shooting at my school and other schools so if i die remember me plz if I don't get on for 3-5 not including weeks that means i died and im being 100 percent serious." The User then stated: "something might go bad tomorrow this could possibly be my last moments alive.-." Finally, User stated, "as far as I know theres a list of ppl that are gunna get shot-. I hope I aint on it."

⁵⁵ Two of the items examined from outside the building of SHES, one from the shotgun in the shooter's car and a second from 36 Yogananda Street yielded DNA profiles consistent with the DNA profiles of two victims killed in SHES, one in each. It is strongly believed that this resulted from an accidental transference as a result of the unique circumstances of this case. There is no reason to believe that either victim would ever have come in contact with these items. The DESPP is conducting a separate protocol inquiry in an attempt to determine the reason that the DNA appears on the items.

Both of these leads were immediately investigated by federal law enforcement and found to have no validity and no relation to Newtown.⁵⁶

2. A December 14, 2012, search of the Stamford residence of Peter Lanza, the father of the shooter, was conducted with the FBI. Some illegal fireworks were seized and secured. After consultation with David I. Cohen, the State's Attorney for the Judicial District of Stamford/Norwalk, and based on all of the circumstances involved, this state's attorney has decided to exercise his discretion and not prosecute Mr. Lanza for possession of the fireworks, which are in no way related to the events of December 14, 2012.
3. Dick's Sporting Goods – Police received a lead that the shooter had tried to buy ammunition at a Dick's Sporting Goods store. Store security surveillance videos were recovered and reviewed. None of the individuals depicted in the videos appear to be the shooter or connected to shooter.
4. A person called the police indicating that the shooter had tried to rent a room from her and indicated he was having problems with his mother. This proved to be unsubstantiated after an investigation.
5. Some callers indicated that they chatted with the shooter online in postings. These postings were determined to be false.
6. Numerous citizens in Newtown received calls on their telephones with messages left saying "I am [the shooter's name] and I am going to kill you." It was determined that these calls were made from out of state and the investigation is ongoing. Preliminary investigation results establish that the callers were not associated with the shooter.
7. CSP investigated a lead that the shooter went to Newtown High School before going to SHES. In the course of this investigation one parent refused to let her high school child be interviewed by police and related that a friend of the child had told the child they saw the shooter in the parking lot before the shooting. A review of Newtown High School video did not substantiate this claim.
8. There were reports of the shooter being at SHES on December 12, 2012, that were investigated and found not to be substantiated.
9. A report that a man claimed that while in Oklahoma a woman told him about the planned shooting before the shooting occurred. Federal law enforcement investigated this and found that it could not be true.

⁵⁶ These search warrants were applied for with information that was available at the time. Some of the information was later determined to be inaccurate.

DETERMINATIONS OF CRIMES COMMITTED

In the course of his rampage the shooter committed a number of state crimes. The most significant are those where lives were taken and people were specifically injured.

At Sandy Hook Elementary School, the crime of Murder under Special Circumstances⁵⁷ in violation of C.G.S. Sec. 53a-54b was committed twenty-six times. Attempted Murder under Special Circumstances⁵⁸ in violation of C.G.S. Secs. 53a-49 and 53a-54b was committed twice as it relates to the two individuals who were shot and survived. These crimes reflect the killings of the children and adults, as well as those physically injured.⁵⁹ The crime of Murder in violation of C.G.S. Sec. 53a-54a was committed by the shooter in killing his mother at 36 Yogananda Street.⁶⁰

Also listed are other major crimes committed by the shooter on December 14, 2012.⁶¹

The major felonies⁶² committed by the shooter in this case are:

- Murder with Special Circumstances
- Attempted Murder with Special Circumstances
- Assault in the First Degree⁶³

⁵⁷ Sec. 53a-54b. Murder with special circumstances. A person is guilty of murder with special circumstances who is convicted of any of the following: (1)... (7) murder of two or more persons at the same time or in the course of a single transaction; or (8) murder of a person under sixteen years of age.

⁵⁸ Sec. 53a-49. Criminal attempt: Sufficiency of conduct; renunciation as defense. (a) A person is guilty of an attempt to commit a crime if, acting with the kind of mental state required for commission of the crime, he: ... (2) intentionally does or omits to do anything which, under the circumstances as he believes them to be, is an act or omission constituting a substantial step in a course of conduct planned to culminate in his commission of the crime.

⁵⁹ Though state law as to who is a "victim" in a criminal case is very broad, only those victims mentioned above will be discussed. Connecticut defines a "victim of crime" as an individual who suffers direct or threatened physical, emotional or financial harm as a result of a crime and includes immediate family members of a minor, incompetent individual or homicide victim and a person designated by a homicide victim in accordance with section 1-56r. See C.G.S. Sec. 1-1k.

⁶⁰ Sec. 53a-54a. Murder. (a) A person is guilty of murder when, with intent to cause the death of another person, he causes the death of such person or of a third person or causes a suicide by force, duress or deception; except that in any prosecution under this subsection, it shall be an affirmative defense that the defendant committed the proscribed act or acts under the influence of extreme emotional disturbance for which there was a reasonable explanation or excuse, the reasonableness of which is to be determined from the viewpoint of a person in the defendant's situation under the circumstances as the defendant believed them to be, provided nothing contained in this subsection shall constitute a defense to a prosecution for, or preclude a conviction of, manslaughter in the first degree or any other crime.

⁶¹ The investigation has not discovered any evidence that Nancy Lanza was in any way aware of her son's plans.

⁶² In any given situation, the facts giving rise to the commission of one crime will suffice to meet the elements of additional crimes. Here the focus will be on the major crimes committed and not go into every possible felony justified by the evidence.

- Burglary in the First Degree⁶⁴
- Risk of Injury to a Minor⁶⁵
- Possession of a Weapon on School Grounds⁶⁶
- Carrying a Pistol Without a Permit,⁶⁷

The crimes listed above all require some type of mental state whether it is a specific intent, knowledge or a general intent to do the prohibited act.

The intent to kill for the crime of murder can be seen in the circumstantial evidence such as the type of weapon used, the manner in which it was used, the type of wounds inflicted and the events leading to and immediately following the deaths, as well as with the shooter intending the natural consequences of his voluntary acts.⁶⁸

Here the intent is clear from the evidence that the shooter intentionally armed himself heavily, drove to SHES, parked in a manner out of direct sight of the front door, shot his way into the building and immediately killed those who confronted him as well as those in classrooms 8 and 10. The evidence found at his home on the digital media further support his intentions to kill, both at the school and with his mother. Further the manner in which he killed his mother reflects the shooter's intent to kill her.

⁶³ Sec. 53a-59. Assault in the first degree: Class B felony: Nonsuspendable sentences. (a) A person is guilty of assault in the first degree when: (1) With intent to cause serious physical injury to another person, he causes such injury to such person or to a third person by means of a deadly weapon or a dangerous instrument;... or (5) with intent to cause physical injury to another person, he causes such injury to such person or to a third person by means of the discharge of a firearm.

⁶⁴ Sec. 53a-101. Burglary in the first degree: Class B felony. (a) A person is guilty of burglary in the first degree when (1) such person enters or remains unlawfully in a building with intent to commit a crime therein and is armed with explosives or a deadly weapon or dangerous instrument, or (2) such person enters or remains unlawfully in a building with intent to commit a crime therein and, in the course of committing the offense, intentionally, knowingly or recklessly inflicts or attempts to inflict bodily injury on anyone, or

⁶⁵ Sec. 53-21. Injury or risk of injury to, or impairing morals of, children. Sale of children. (a) Any person who (1) wilfully or unlawfully causes or permits any child under the age of sixteen years to be placed in such a situation that the life or limb of such child is endangered, the health of such child is likely to be injured or the morals of such child are likely to be impaired, or does any act likely to impair the health or morals of any such child, or, shall be guilty of a class C felony for a violation of subdivision (1)

⁶⁶ Sec. 53a-217b. Possession of a weapon on school grounds: Class D felony. (a) A person is guilty of possession of a weapon on school grounds when, knowing that such person is not licensed or privileged to do so, such person possesses a firearm or deadly weapon, as defined in section 53a-3, (1) in or on the real property comprising a public or private elementary or secondary school, or

⁶⁷ Sec. 29-35. Carrying of pistol or revolver without permit prohibited. Exceptions. (a) No person shall carry any pistol or revolver upon his or her person, except when such person is within the dwelling house or place of business of such person, without a permit to carry the same issued as provided in section 29-28.

⁶⁸ State v. Otto, 305 Conn. 51, 66-67 (2012).

CONCLUSION

With the issuance of this report, the investigation is closed.⁷¹ If additional reliable information, related to the existence of others' involvement in the case, comes to the attention of the investigators, it is subject to being reopened. I do not anticipate that occurring. As of now, there will be no state prosecution of anyone as an accessory or co-conspirator.

Many people have asked why the shooter did what he did on December 14, 2012. Or, in the vernacular of the criminal justice system, "Did he have a motive to do what he did?" This investigation, with the substantial information available, does not establish a conclusive motive.

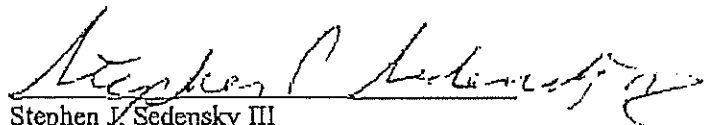
What we do know is that the shooter had significant mental health issues that, while not affecting the criminality of the shooter's mental state for the crimes or his criminal responsibility for them, did affect his ability to live a normal life and to interact with others, even those to whom he should have been close. Whether this contributed in any way is unknown. The shooter did not recognize or help himself deal with those issues. He had a familiarity with and access to firearms and ammunition and an obsession with mass murders, in particular the Columbine shootings.

There is no clear indication why Sandy Hook Elementary School was selected, other than perhaps its close proximity to the shooter's home.

What is clear is that on the morning of December 14, 2012, the shooter intentionally committed horrendous crimes, murdering 20 children and 6 adults in a matter of moments, with the ability and intention of killing even more. He committed these heinous acts after killing his own mother. The evidence indicates the shooter planned his actions, including the taking of his own life.

It is equally clear that law enforcement arrived at Sandy Hook Elementary School within minutes of the first shots being fired. They went into the school to save those inside with the knowledge that someone might be waiting to take *their* lives. It is also clear that the staff of Sandy Hook Elementary School acted heroically in trying to protect the children. The combination saved many children's lives.

November 25, 2013


Stephen J. Sedensky III
State's Attorney
Judicial District of Danbury

⁷¹ There remain some outstanding reports, returns and an evidence examination evaluation to be filed.

ACKNOWLEDGEMENTS

Over the course of the last eleven months many agencies, governmental and private, have come together to assist the victims' families, victims, first responders, others affected by the crimes, the Connecticut State Police and the State's Attorney's Office for the Judicial District of Danbury.

I wish to thank the below agencies, listed alphabetically, for their investigative work, cooperation and assistance in this investigation. Though I have tried to list all of the agencies that provided assistance to the investigation, I suspect some will be inadvertently left out. For this I apologize.

- Connecticut State Police and in particular Western District Major Crime Squad^{72*}
- Connecticut Intelligence Center (CTIC)
- Bureau of Alcohol, Tobacco, Firearms and Explosives
- Department of Emergency Services and Public Protection Forensic Science Laboratory
- Faculty of Finding Words-Connecticut, A ChildFirst State⁷³
- Family & Children's Aid of Danbury⁷⁴
- Federal Bureau of Investigation,⁷⁵ including Victim Services and Behavior Analysis units
- Gundersen Health System's National Child Protection Training Center
- Hoboken, New Jersey, Police Department
- Homeland Security
- Municipal police departments in Connecticut
- Newtown Police Department
- Office of the Chief Medical Examiner
- Office of the Chief State's Attorney^{76*}
- State of Connecticut Judicial Branch
- United States Attorney's Office for the District of Connecticut*
- United States Drug Enforcement Agency
- United States Marshals Service

I would also like to thank the members of the Danbury State's Attorney's Office, in particular, Supervisory Assistant State's Attorney Warren Murray and Inspectors Donald Brown and John Mahoney for their assistance and support.

⁷² The Western District Major Crime Squad under the leadership of Lt. David Delvecchia investigated this case with a thoroughness and sensitivity that is unmatched in my experience.

⁷³ Connecticut is a ChildFirst state whose one week program Finding Words Connecticut, Interviewing Children and Preparing for Court is funded by the Governor's Task Force on Justice for Abused Children.

⁷⁴ Family & Children's Aid of Danbury hosts the Multidisciplinary Investigation Team.

⁷⁵ This includes FBI agents across the country who sought out evidence and interviewed witnesses in many states.

⁷⁶ Chief State's Attorney Kevin T. Kane's counsel and assistance has been an invaluable asset to me and this case, together with the assistance of those in his office who worked on the case.

* I am grateful for the suggestions, editing and reviews of the drafts of this report provided by these organizations. Any errors that remain are mine.

EXHIBIT N

<p style="text-align: right;">Page 1</p> <p>SUPERIOR COURT J.D. OF FAIRFIELD AT DANBURY</p> <p>-----X Docket No. DBD-CV15-6016722- S THE ESTATE OF JESSE LEWIS, SCARLETT LEWIS AS ADMINISTRATRIX AND NEIL HESLIN AS CO-ADMINISTRATOR and THE ESTATE OF NOAH POZNER, LEONARD POZNER AS ADMINISTRATOR,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">-against-</p> <p>THE TOWN OF NEWTOWN AND NEWTOWN BOARD OF EDUCATION, Defendants.</p> <p>-----X</p> <p>DEPOSITION of Expert Witness KENNETH TRUMP, taken pursuant to Notice at the offices of RYAN RYAN DELUCA, 707 Summer Street, Stamford, Connecticut, on Wednesday, October 4, 2017 at 1:30 p.m., before Shelley Ann Keyes, LSR #103, RMR.</p>	<p style="text-align: right;">Page 3</p> <p>1 STIPULATIONS</p> <p>2</p> <p>3</p> <p>4 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>5 between counsel for the respective parties</p> <p>6 hereto that all technicalities as to the proof</p> <p>7 of the official character of the authority</p> <p>8 before whom the deposition is to be taken are</p> <p>9 waived.</p> <p>10</p> <p>11 IT IS FURTHER STIPULATED AND AGREED by and</p> <p>12 between counsel for the respective parties</p> <p>13 hereto that the reading and signing of the</p> <p>14 deposition by the deponent are not waived.</p> <p>15</p> <p>16 IT IS FURTHER STIPULATED AND AGREED by and</p> <p>17 between counsel for the respective parties</p> <p>18 hereto that all objections, except as to form,</p> <p>19 are reserved to the time of trial.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 2</p> <p>1 A P P E A R A N C E S:</p> <p>2</p> <p>3 FOR THE PLAINTIFFS:</p> <p>4</p> <p>5 PAPCSY JANOSOV TRIAL LAWYERS, LLC</p> <p>6 53 East Avenue</p> <p>7 Norwalk, CT 06851</p> <p>8 BY: DEVIN W. JANOSOV, ESQ.</p> <p>9</p> <p>10 FOR THE DEFENDANTS:</p> <p>11</p> <p>12 RYAN RYAN DELUCA, LLP</p> <p>13 707 Summer Street, 5th Floor</p> <p>14 Stamford, CT 06901</p> <p>15 BY: JOHN CANNAVINO, ESQ.</p> <p>16 CHARLES DELUCA, ESQ.</p> <p>17</p> <p>18 FOR THE DEFENDANTS:</p> <p>19</p> <p>20 PULLMAN AND COMELY, P.C.</p> <p>21 850 Main Street, P.O. Box 7006</p> <p>22 Bridgeport, CT 06601</p> <p>23 NOT PRESENT</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 KENNETH TRUMP, an Expert Witness</p> <p>2 herein, having been duly sworn by Shelley Ann</p> <p>3 Keyes, a Notary Public within and for the State</p> <p>4 of Connecticut, was examined and testified as</p> <p>5 follows:</p> <p>6 EXAMINATION BY</p> <p>7 ATTORNEY JANASOV:</p> <p>8 Q Hi, Mr. Trump. My name is Attorney Devin</p> <p>9 Janosov. I represent the plaintiffs in the matter</p> <p>10 of Scarlett Lewis as administratrix of the Estate of</p> <p>11 Jesse Lewis and Leonard Pozner as administer of the</p> <p>12 Estate of Noah Pozner against the City of Newtown</p> <p>13 and the Newtown Board of Education. Just really</p> <p>14 quick, I'm gonna go over with you. Have you ever</p> <p>15 given a deposition before?</p> <p>16 A Yes.</p> <p>17 Q Have you ever given testimony live in</p> <p>18 court before?</p> <p>19 A Yes.</p> <p>20 Q I'm gonna go over some ground rules with</p> <p>21 you. I'm sure you're probably familiar with them</p> <p>22 anyway. First and foremost, everything we say is</p> <p>23 being taken down by the court reporter. So things</p> <p>24 like head nods and hand gestures wouldn't be picked</p> <p>25 up. Any question I ask I would ask for an answer in</p>

1 (Pages 1 to 4)

Sanders, Gale & Russell
(203) 624-4157

A-SII

Page 5

1 the affirmative or negative, something oral that she
2 can put on the record.
3 A Okay.
4 Q Things like "um-hmm" and "un-un" will show
5 up the same, so, again affirmative or negative.
6 Okay?
7 A Okay.
8 Q If I ask you a question and you respond,
9 the assumption is gonna be that you understood my
10 question and that the response is responsive to the
11 question. So if there's anything about any of my
12 questions that you don't understand or confuses you
13 in any way, I ask you to ask me to rephrase it and I
14 will do my best to put it into a different format.
15 Okay?
16 A Okay.
17 Q In everyday conversation it's typical to
18 anticipate where someone is going with a question
19 and to jump in with the answer because you know
20 where it's going. Because we're being taken down on
21 a record, however, in order to keep a clean record
22 we have to let each other take turns. So even if
23 you know where I'm going with my question, let me
24 finish. Likewise, if you're giving an answer and I
25 cut in on you, let me know and I will let you finish

Page 6

1 before I ask my next question. Fair?
2 A Okay. Yes.
3 Q If at any time during the deposition you
4 want to take a break to speak with your attorney, go
5 to the bathroom, get a glass of water, that's fine.
6 All I ask is if there's a question pending that you
7 answer the question before you take a break.
8 A Okay.
9 Q I ask this of everybody, please don't take
10 offense. Are you under the influence of type of
11 medication, drugs, alcohol that would affect your
12 ability to recollect or testify as you sit here
13 today?
14 A No.
15 Q First and foremost, I'm gonna note for the
16 record that you've handed me a thumb drive,
17 National Security Safety and Security Services
18 document, the Newtown Public Schools Emergency
19 Lockdown Guidelines or Faculty and Staff -- both the
20 regular, confidential and code blue version -- and
21 the emergency response plan folder for Sandy Hook
22 Elementary School. Is this in response to the
23 deposition notice I had issued to you?
24 A Yes, it is.
25 ATTORNEY JANASOV: Let me mark it as

Page 7

1 Exhibit A.
2 (Whereupon, Plaintiff's Exhibit A, notice,
3 was marked for identification.)
4 Q I'm gonna ask you really quick. Are you
5 here today in response to this notice of deposition?
6 A Yes, I am.
7 Q In this notice of deposition there's an
8 attached Schedule A that requests various documents;
9 is that correct?
10 A Correct.
11 Q Do these documents and what is on this
12 thumb drive comprise what is requested here that you
13 were able to provide?
14 A You have everything that I have from my
15 file, with the exception of blog issues which are
16 available off of the website. I didn't have any way
17 to reproduce that.
18 Q Okay. Fair enough.
19 ATTORNEY JANASOV: Really fast, just as
20 Exhibit B, if I can have this marked.
21 (Whereupon, Plaintiff's Exhibit B, expert
22 disclosure, was marked for identification.)
23 Q I will ask you to take a look at this.
24 Have you ever seen that document before?
25 A It appears to be the disclosure that was

Page 8

1 produced identifying me as the expert; yes.
2 Q Were you a part of reviewing that in any
3 way, shape, or form? Have you ever reviewed it?
4 A Yes.
5 Q Is it safe to say that all the things
6 stated in there are fair and true and accurate
7 regarding substance of your facts and opinions, what
8 you are gonna testify on?
9 A Yes.
10 Q I notice in the notice that under the
11 substance of facts and opinions it states that you
12 intend to refute the plaintiffs' allegations of
13 negligence contained in the plaintiffs' third
14 revised complaint; is that correct?
15 A Correct.
16 Q Now, I'm gonna ask, you're from Ohio; is
17 that right?
18 A That's correct.
19 Q Do you have any knowledge or awareness of
20 the laws in Connecticut regarding negligence against
21 a municipality?
22 A No.
23 Q Do you know anything about ministerial
24 duty versus a non-ministerial duty, discretionary
25 duty --

2 (Pages 5 to 8)

Sanders, Gale & Russell
(203) 624-4157

A-512

Page 9

1 A No.
 2 Q -- the legal significance of those things?
 3 A No. I'm not an attorney.
 4 Q Do you know anything about identifiable
 5 victim or imminent harm?
 6 A No.
 7 Q I guess my question for you would be, the
 8 only way to assert negligence against a municipality
 9 in a case like this is through a specific statute,
 10 Connecticut General Statutes 52-5527n, which is the
 11 way in which the plaintiffs have brought the claim.
 12 Do you know in what way you intend to refute our
 13 claims of negligence?
 14 ATTORNEY CANNAVINO: Objection to form.
 15 You can answer.
 16 A No. I focused on the information that was
 17 listed on the specific subject areas regarding the
 18 standard of care.
 19 Q Okay. I'm just gonna go through some
 20 simple stuff with you. My understanding is that not
 21 long ago you were testifying at a trial in
 22 California; is that correct?
 23 A Correct.
 24 Q What was that trial about?
 25 A It was a school-involved wrongful death

Page 11

1 bit about your background. You have your own
 2 company; is that correct?
 3 A Yes.
 4 Q What's the title of that company?
 5 A National School Safety and Security
 6 Services.
 7 Q All right. What training and experience
 8 do you have that qualifies you to have a national
 9 school safety and security company?
 10 A I have a bachelors degree in social
 11 service with a criminal justice concentration from
 12 Cleveland State university, a masters degree in
 13 public administration from Cleveland State
 14 University. Most recently a doctoral student at
 15 Johns Hopkins University for the doctor of education
 16 program. I have a couple thousand hours of
 17 specialized training in school safety, security,
 18 emergency planning, gang-related violence
 19 prevention, security, crisis communications,
 20 emergency planning type issues and various other
 21 subspecialties. I have more than 30 years of
 22 experience. I worked in the Cleveland city school
 23 system in their safety and security division as a
 24 security officer at the building assigned at the
 25 schools as an investigator responsible for different

Page 10

1 and serious injury case.
 2 Q Okay. Was it a shooting?
 3 A No. It was a stabbing.
 4 Q When was that?
 5 A When was --
 6 Q -- your testimony.
 7 A The testimony? I believe it was earlier
 8 this year, February maybe.
 9 Q All right. Where were you in about
 10 August?
 11 A Of this year?
 12 Q Yes.
 13 A I didn't really understand the question in
 14 terms of where was I.
 15 Q Were you testifying in a trial in August
 16 of 2017?
 17 A There was a trial scheduled on the one in
 18 California, re-trial, but eventually that was
 19 resolved at the last moment.
 20 Q It didn't go forward?
 21 A No, but it went right down to the last.
 22 Q What was the name of that case?
 23 A It was Casillas, C-A-S-I-L-L-A-S, versus
 24 Norwalk La Mirada School District.
 25 Q Okay. Now I'm just gonna ask you a little

Page 12

1 geographical areas to investigate serious school
 2 incidents and criminal activities on school property
 3 and school related. I supervised and coordinated
 4 the youth gang unit, a five-person team that was
 5 responsible for handling all gang-related matters
 6 for at that point 127 schools, 73,000 students. I
 7 was a school security director for a suburban school
 8 district, approximately 15,000 students, that served
 9 three communities, southwest communities of
 10 Cleveland; assistant director of a federal-funded
 11 anti-gang project that was tied into that. And I
 12 have trained and consulted with schools on school
 13 safety, security, and emergency planning under the
 14 company National School Safety and Security
 15 Services.
 16 Q Okay. What is your title at that company?
 17 A President of the company.
 18 Q Is it fair to say you founded the company?
 19 A Correct.
 20 Q How many years ago was that?
 21 A It was incorporated under that name in
 22 1997, I believe it was March.
 23 Q Okay. And are you a member of any other
 24 official groups regarding school safety?
 25 A I belong to a number of professional

3 (Pages 9 to 12)

Sanders, Gale & Russell
 (203) 624-4157

A-513

Page 13

1 associations; the International Association of
 2 Professional Security Consultants, IAPSC; American
 3 Association of School Administrators, National
 4 School Public Relations Association, associate
 5 member of the Cleveland Metropolitan Bar
 6 Association. I previously was on a board for
 7 National Association of School Safety and Law
 8 Enforcement Officers, NASSLEO. And my C.V. has a
 9 full listing of the memberships and affiliations.
 10 Q Have you ever testified in a case in the
 11 state of Connecticut before?
 12 A No.
 13 Q All right. In preparation for this
 14 deposition, did you review any statutes, case law,
 15 anything like that, regarding prior school
 16 incidents?
 17 A Specific to Connecticut or anything?
 18 Q Specific to Connecticut.
 19 A No.
 20 Q Okay. Publications. You had mentioned
 21 you have a blog. How long has that been going on?
 22 A I'm not sure of the actual date that it
 23 originated but it's --
 24 Q More than 10 years?
 25 A It would be under 10 years, I believe.

Page 15

1 reviewed it recently.
 2 Q Did you have a chance to review State's
 3 Attorney Steve Sedensky's official findings
 4 published online?
 5 A I did.
 6 Q Are there any notable school shooting
 7 cases that I'd know of that you've been involved
 8 with, that you've given testimony on or been a
 9 litigation assistant with previous to this?
 10 A No.
 11 Q Okay. When were you retained officially
 12 by the defendants in this case?
 13 A I was originally retained in 2013; I
 14 believe it was around April.
 15 Q All right. I noticed with your expert
 16 disclosure that's marked as Exhibit B that there's
 17 no formal report that you generated regarding this
 18 case; is that correct?
 19 A That's correct.
 20 Q And is that true still to today that you
 21 have not generated any official report regarding
 22 your opinions?
 23 A That's correct.
 24 Q Did you review any documents, other than
 25 what you've handed me, the National School Safety

Page 14

1 I'm not sure of the exact.
 2 Q Does it pre-date 2012?
 3 A I believe so, yes.
 4 Q What's the purpose of your company?
 5 A The purpose of the company is to provide
 6 training, security assessments, emergency planning
 7 activities, tabletop exercises, professional
 8 development training for school administrators,
 9 school crisis teams, first responders. I obviously
 10 do litigation consulting and working with schools on
 11 overall school safety issues.
 12 Q Okay. Have you ever testified in any
 13 other relationship regarding this case, Sandy Hook?
 14 A No.
 15 Q So you weren't involved in the Sandy Hook
 16 Commission investigation?
 17 A Not in the investigation. I presented --
 18 I did a presentation for them; I guess if that
 19 constitutes testimony officially, you would say.
 20 Q You gave a presentation during the
 21 Commission investigation?
 22 A Correct.
 23 Q Have you had an opportunity to review the
 24 Commission's findings?
 25 A I reviewed it when it came out. I haven't

Page 16

1 and then these two Sandy Hook guidelines?
 2 A That and the material that's on the jump
 3 drive.
 4 Q What's on that?
 5 A Which includes state police reports,
 6 state's attorney reports, the Sandy Hook Advisory
 7 Commission report, various memos from the school
 8 district on safety committee meetings that they had
 9 and emergency response team meetings that they have
 10 had, the emergency plans, the ones that we have in
 11 front of us, and the principal's guide, the memo
 12 from September 2013. And then in addition to that I
 13 did a site visit on August 23rd, 2013, upon which
 14 this is the basis. During that time I spoke with
 15 Security Director Mark Pompano and the business
 16 manager.
 17 Q Okay. And that visit, was that to the
 18 actual Sandy Hook Elementary School building on that
 19 date? Was it still standing on that date?
 20 A Yes.
 21 Q So you're familiar with what the school
 22 security guidelines were in place at the time of
 23 December 14th, 2012 at Sandy Hook; is that a fair
 24 statement?
 25 A I'm familiar with the documents and the

4 (Pages 13 to 16)

Sanders, Gale & Russell
 (203) 624-4157

A-514

Page 17

1 items that I have listed here, yes.
 2 Q Have you ever drafted security guidelines
 3 yourself for any schools?
 4 A I don't draft them directly for
 5 consultants, no.
 6 Q Okay. Have you ever reviewed guidelines
 7 drafted by others for accuracy and sufficiency?
 8 A Yes.
 9 Q Do you have an opinion one way or the
 10 other regarding these particular guidelines as far
 11 as their sufficiency and the way they're drafted?
 12 A I believe in reviewing these that they
 13 were reasonable and customary with what we see in
 14 schools throughout my experience.
 15 Q Okay. I had asked you earlier if you were
 16 familiar with certain terms like ministerial duty,
 17 identifiable victim, and imminent harm, things like
 18 that. You'd said No. Being that you're an expert,
 19 I'm entitled to ask you questions in the
 20 hypothetical. So I'm just gonna state for the
 21 purposes of this, when I say ministerial duty I mean
 22 it's a directive that the individual has to follow;
 23 it's a directive being given to a staff member or an
 24 individual that they must follow versus a
 25 discretionary act, something that allows them

Page 18

1 discretion. Is that fair, that you can understand
 2 the difference between those two things?
 3 ATTORNEY CANNAVINO: Objection to form.
 4 A I'm not clear on given to them by whom?
 5 Q I'm saying within these guidelines.
 6 A Okay.
 7 Q Within these guidelines, certain words
 8 like shall versus must versus should, whether
 9 they're discretionary or whether they're directives,
 10 directing someone that they have to do something.
 11 ATTORNEY CANNAVINO: Objection to form.
 12 Go ahead.
 13 A Okay.
 14 Q I may ask your opinion --
 15 A I'm understanding as you stated, yes.
 16 Q I may ask your opinion whether you feel
 17 which way it goes.
 18 A Okay. I understand now.
 19 Q As far as identifiable victim, imminent
 20 harm goes; identifiable victim, school children
 21 while they are in school in the state of
 22 Connecticut, that's not even an issue. But imminent
 23 harm would be something that an administrator would
 24 have reason to know that failure to act or acting in
 25 a certain way would endanger one of the children at

Page 19

1 the time. Again, going along with these guidelines.
 2 Okay?
 3 A Okay.
 4 Q Are you at all familiar with the type of
 5 language that FEMA, the Federal Emergency Management
 6 Agency, or the National Emergency Management System
 7 uses in their guidelines?
 8 A Generally, yes.
 9 Q Okay. What kind of language is that?
 10 A In terms of what area? I mean, there are
 11 volumes. There's incident commands, NIMS, and
 12 related types of terms.
 13 Q Do they typically advise people to do
 14 specific directive things or do they leave them
 15 within the discretion to do things?
 16 ATTORNEY CANNAVINO: Objection to form.
 17 A The basic concept of school emergency
 18 planning, including FEMA, is that there are
 19 guidelines but they're not mandates.
 20 Q Okay. Other than your trip to visit Sandy
 21 Hook Elementary School, have you ever been to
 22 Connecticut for any other reason for this case?
 23 A We had a meeting a couple of weeks ago
 24 here, yes.
 25 Q Was that in relation to this deposition?

Page 20

1 A And discussions of the overall case. That
 2 was the first time that we've had an opportunity to
 3 meet in person.
 4 Q Prior to being retained as an expert in
 5 this case by the defense, did you ever express any
 6 opinions regarding the shooting at Sandy Hook,
 7 either privately or publicly, that you can recall?
 8 ATTORNEY CANNAVINO: Objection. Go ahead.
 9 A In general, yes. I don't recall anything
 10 specific but it's -- obviously being a landmark case
 11 in school safety, everyone was speaking, has talked
 12 about it in the field.
 13 Q Okay. You said you testified before or
 14 gave -- I won't call it testimony, you gave a
 15 presentation to the Commission?
 16 A Correct.
 17 Q What was the sum and substance of that
 18 presentation?
 19 A I don't recall the specific part. That
 20 was a number of years ago. It was done by Skype as
 21 I recall and it was on just the general state of
 22 school safety and security from more of a national
 23 perspective; it wasn't specific to this case.
 24 Q Okay. Were you requested by them to give
 25 that testimony --

5 (Pages 17 to 20)

Sanders, Gale & Russell
 (203) 624-4157

A-515

Page 21

1 A I was.
 2 Q -- to give that statement?
 3 A Yes.
 4 Q Were you in any way part of the
 5 investigation into what transpired at Sandy Hook
 6 Elementary School on December 14th, 2012?
 7 A No.
 8 ATTORNEY CANNAVINO: Objection to form.
 9 Q Other than the Sandy Hook Commission, was
 10 there any other bodies, legislative or otherwise,
 11 that you gave testimony or opinions to regarding the
 12 Sandy Hook Elementary School shooting?
 13 A Not specific to the Sandy Hook shooting,
 14 no. I have presented to different types of bodies
 15 and organizations over time.
 16 Q Okay.
 17 ATTORNEY JANASOV: Let's mark this.
 18 (Whereupon, Plaintiff's Exhibit C, e-mail
 19 8-13-09, Staff Teacher Emergency Response
 20 Guide, was marked for identification.)
 21 Q Just for the record, this is an e-mail
 22 from Mark Pompano dated Thursday, August 13th, 2009.
 23 It's entitled Staff Teacher Emergency Response
 24 Guide. I'm just gonna ask you to look at the top
 25 paragraph. Your attorney can look at it first if he

Page 22

1 wants to; it was provided by him. I've highlighted
 2 a portion of the top paragraph. Read the whole top
 3 paragraph to yourself.
 4 Do you notice I highlighted a section
 5 there when Mr. Pompano asked that no one change the
 6 language in the guidelines that he prepared?
 7 ATTORNEY CANNAVINO: Objection.
 8 A I noticed the highlighted section that
 9 says, "Please do not change any of the terminology
 10 or procedures." That's part of a broader sentence.
 11 Q Can you read the whole broader sentence?
 12 A Sure. It's the last sentence in the
 13 paragraph. It says, "Please feel free to
 14 customize/personalize any applicable portions of the
 15 guide toward your individual school, but" and then
 16 the highlighted part that you highlighted, "please
 17 do not change any of the terminology or procedures."
 18 Q As you sit here, are you aware that the
 19 guidelines that were in place on December 14th, 2012
 20 were drafted by Mark Pompano?
 21 A It's my understanding, yes.
 22 Q Did you have a chance to meet with Mark
 23 Pompano?
 24 A I did.
 25 Q When you did, did you discuss anything

Page 23

1 about those guidelines that he had drafted?
 2 A Just in general the process, he had been
 3 involved with developing the plans in cooperation
 4 with the principals and school staff and the
 5 district since his employment in 2008, hiring him in
 6 2008.
 7 Q But nothing specific about the language?
 8 A No. We didn't get into the language.
 9 Q There's a section here on page two, I was
 10 hoping maybe you could help me understand. It's the
 11 first line from Mark Pompano and it says, "The
 12 biggest change is the use of" and then he puts in
 13 quotes 'Universal standardized terminology that is
 14 easily understood and which can be implemented
 15 expeditiously.' And then he puts in parentheses,
 16 Unlike past, then he puts quote 'coded' terminology;
 17 like, quote, 'The superintendent is in the building'
 18 end quote, et cetera." Do you have any idea of what
 19 he means by that?
 20 ATTORNEY CANNAVINO: Objection. You can
 21 answer.
 22 A I don't know what he was referring to.
 23 Q To me "The superintendent is in the
 24 building" doesn't seem to be code; seems to say the
 25 superintendent is in the building --

Page 24

1 ATTORNEY CANNAVINO: Objection.
 2 Q -- is what I am gathering. Have you ever
 3 heard of coded versus universal language being used
 4 in a school?
 5 A I don't know what he's referring to there.
 6 Q In your experience with reviewing school
 7 guidelines, you never heard of universal
 8 standardized terminology versus coded terminology?
 9 A I'm not sure what he's trying to convey
 10 there in that context.
 11 ATTORNEY JANASOV: Mark this as
 12 Plaintiff's D.
 13 (Whereupon, Plaintiff's Exhibit D, e-mail
 14 8-27-12, was marked for identification.)
 15 Q This was also provided by the defense.
 16 For the record, this is an e-mail from Kevin
 17 Anzellotti dated Monday, August 27th, 2012 -- sorry
 18 I believe it's from Dawn Hochsprung. The e-mail on
 19 the first page isn't really where my questions lie.
 20 The questions lie with the attachment to it, which
 21 is an Incident Command System Sandy Hook Elementary
 22 School. It's kind of a flow chart; would you agree?
 23 A Yes.
 24 Q Who is listed as the incident commander?
 25 A May I look at the first page to see what

6 (Pages 21 to 24)

Sanders, Gale & Russell
 (203) 624-4157

A-516

Page 25

1 this is related to?
 2 Q Sure. Absolutely.
 3 A Okay. Thank you.
 4 Q So who is listed as the incident commander
 5 in that?
 6 A On the chart that's provided, attached to
 7 this e-mail, the principal, Dawn Hochsprung, is
 8 listed as the incident commander.
 9 Q Through the documents that you've reviewed
 10 thus far, would you have any idea what that role
 11 would comprise?
 12 A The principal is generally the person
 13 that's in charge of the building, because he or she
 14 knows the building, the children, the operation of
 15 the school, the parents, and the community; so they
 16 are commonly referred to as the incident commander,
 17 the person who is basically in charge of the
 18 incident.
 19 Q Would that mean to you that if there was
 20 an incident at Sandy Hook Elementary School that
 21 Dawn Hochsprung, as principal, would be the
 22 commander of the response to that emergency?
 23 A Depending upon the conditions and her
 24 presence, if she's there, if she's able to perform
 25 that task, that would be the person based, on the

Page 26

1 situation at hand, yes, assuming she has the ability
 2 to do so.
 3 Q Then if you follow down, there's an
 4 information officer, which is Dr. Janet Robinson,
 5 superintendent, and there's a liaison officer,
 6 there's an executive officer, which is Mark Pompano,
 7 the security director. Then it breaks down into
 8 three sections; an operations section, a planning
 9 and intelligence section, and a logistics section;
 10 is that correct?
 11 A Correct.
 12 Q Under Planning and Intelligence the first
 13 name listed is the lead teacher Natalie Hammond; is
 14 that right?
 15 A Correct.
 16 Q Then under ICS Log and CP Detail, it would
 17 be Kris Feda, Becky Virgalla and Mary Sherlach,
 18 correct?
 19 A Correct.
 20 Q Is it safe to say that, from this, the
 21 people listed on this are a part of the emergency
 22 response plan or emergency response team, from this
 23 document; they have roles from the emergency
 24 response, emergency response team?
 25 ATTORNEY CANNAVINO: Objection to form.

Page 27

1 Go ahead.
 2 A Based on this, they have roles but I'm
 3 also aware that they had a building safety team or
 4 crisis team as well. So I can't say that that
 5 represents the entire team.
 6 Q Okay. In your opinion, does this document
 7 leave in question as to who would be the incident
 8 commander?
 9 ATTORNEY CANNAVINO: Objection to form.
 10 A As I mentioned a minute ago, it depends on
 11 the circumstances. If the prin --
 12 Q According to what you see in this
 13 document, if the principal was not present, who
 14 would be incident commander, based on this document?
 15 ATTORNEY CANNAVINO: Objection to form.
 16 If you know.
 17 A I don't know.
 18 ATTORNEY JANASOV: Okay. Mark this.
 19 (Whereupon, Plaintiff's Exhibit E, e-mail
 20 1-14-09, Emergency Preparedness Meeting, was
 21 marked for identification.)
 22 Q Plaintiff's E is another e-mail, seems to
 23 be from Mark Pompano. It's entitled Emergency
 24 Preparedness Meeting. It's dated Wednesday,
 25 January 14th, 2009. I'd just like you to read the

Page 28

1 e-mail, if you can.
 2 In this document at one point Mark
 3 Pompano states, "Our primary goals to accomplish
 4 prior to the end of this school year will be to
 5 update the current MPS emergency response plans,
 6 school specific, and to form a district-wide team
 7 capable of actually responded to school emergencies
 8 and crisis situations." To your knowledge, did that
 9 actually happen? Did he create a district-wide team
 10 and were the response plans made school specific?
 11 ATTORNEY CANNAVINO: Objection to form.
 12 A Based on my understanding, there was a
 13 team that was formed. I believe they re-named it.
 14 It may have been in existence under a different
 15 title before that and that they did tailor their
 16 plans so that each individual school had a plan.
 17 Q This is already marked as Plaintiff's A.
 18 ATTORNEY JANASOV: Want to mark over it?
 19 I'm just gonna mark this for future reference,
 20 it's a map of the school. He'd brought his
 21 own. I want to have this marked as well.
 22 (Whereupon, Plaintiff's Exhibit F, map; G,
 23 12 sections document, was marked for
 24 identification.)
 25 Q For the record this is a document produced

7 (Pages 25 to 28)

Sanders, Gale & Russell
 (203) 624-4157

A-517

Page 29

1 to me by the defense, it's numbered 12 different
2 sections, district contact information, incident
3 command system, ISC evacuation relocation, emergency
4 response guidelines, bomb threats, explosive
5 devices, terrorism guidelines, hazardous materials,
6 fire and gas leak, evacuation perimeter, and it goes
7 on. I'm gonna turn your attention first to this
8 page. Does that look familiar to you?

9 A It's appears to be the same incident
10 command for Sandy Hook Elementary School chart that
11 you showed before.

12 Q Okay. I'm gonna turn to the page
13 afterwards. There's a section entitled Incident
14 Commander; is that correct?

15 A Yes.

16 Q And according to that chart, that would
17 have been the principal, Dawn Hochsprung, Correct?

18 A Correct.

19 Q Can you read for me -- you can read to
20 yourself -- what the responsibilities are of the
21 incident commander?

22 Now, I had asked you earlier the
23 responsibility of the incident commander. You had
24 stated what's in here, that it would be the overall
25 command of the incident. Right?

Page 31

1 A Okay.

2 Q I'm gonna ask you to read that section.

3 A Okay.

4 Q Same type of situation. According to this
5 document it lists a section of duties and
6 responsibilities for the planning section officer in
7 charge that include -- and then there's a list of A
8 through J, correct, responsibilities she would have?

9 A Yes.

10 Q Also states that they would be a member of
11 the general staff responsible for the collection,
12 evaluation, dissemination and use of information
13 about the development of the incident and status of
14 resources; is that correct?

15 A Yes.

16 Q So that would have been Natalie Hammond's
17 responsibility during the Sandy Hook shooting,
18 correct?

19 ATTORNEY CANNAVINO: Objection.

20 Q According to these documents.

21 ATTORNEY CANNAVINO: Objection.

22 A Based on an incident, on the incident
23 command.

24 Q Would you consider the shooting at Sandy
25 Hook on December 14th, 2012 to be an incident at the

Page 30

1 ATTORNEY CANNAVINO: Objection to form.

2 Q Is that right? Is that what it says in
3 here?

4 A I don't know that I phrased it that way
5 but in general at the building level the principal
6 was in charge when an incident occurs.

7 Q It says here that the IC is selected by
8 qualifications and experience, correct?

9 A That's what it says there, correct.

10 Q And it says and it previously stated that
11 the principal was the one selected, correct? Dawn
12 Hochsprung was selected as the incident commander?

13 A Correct. That's what is shown on the
14 chart.

15 Q Okay. And it leads a list of duties and
16 responsibilities that are not limited to but
17 include; is that correct?

18 A Yes. The ones that are listed, A through
19 Q.

20 Q Now, it continues on beyond just the
21 incident commander and goes on to give definitions
22 of the roles of other individuals that are listed in
23 this flow chart. So I'm gonna turn to the Planning
24 and Intelligence section, which would have been the
25 lead teacher Natalie Hammond?

Page 32

1 school?

2 A Yes.

3 Q So as the planning and intelligence
4 section officer, would you state that this document
5 sets forth what Natalie Hammond's responsibilities
6 were that day?

7 ATTORNEY CANNAVINO: Same objection.

8 A It states what that position is
9 responsible for. And since she was listed on there,
10 if she was able to do that, those were things that
11 could include that.

12 Q Same question for Dawn Hochsprung
13 previously as incident command, listed the same
14 thing for her, correct?

15 A Same answer.

16 Q I'm just gonna go down. I believe Kris
17 Feda and Mary Sherlach were also listed as ICS
18 logistics and CP detail. The logistic section
19 officer in charge, there's a section there. Same
20 question as before. Does it list duties for those
21 individuals there for that situation?

22 ATTORNEY CANNAVINO: Objection to form.

23 Go ahead.

24 A It lists the duties for that position and
25 the chart shows those individuals under that

8 (Pages 29 to 32)

Sanders, Gale & Russell
(203) 624-4157

A-518

Page 33

1 position.

2 Q So on December 14th, 2012 those would be
3 the duties that those people in this position would
4 have in case of an incident, according to this
5 document?

6 ATTORNEY CANNAVINO: Objection to form.
7 Go ahead.

8 ATTORNEY JANASOV: What's the objection to
9 form?

10 ATTORNEY CANNAVINO: You're asking him to
11 draw a legal conclusion that I don't think he
12 is qualified to do.

13 ATTORNEY JANASOV: I don't think it's a
14 legal conclusion. I'm asking according to the
15 document.

16 ATTORNEY CANNAVINO: I have given my
17 grounds.

18 Q According to the document that you have
19 read, you can answer. According to the document,
20 would you agree that that's what the document is
21 stating the responsibilities in case of an incident?

22 A That document lists the duties for and
23 responsibilities for that position that they could
24 include that and they were listed as individuals on
25 the incident command charts.

Page 34

1 Q Doesn't say "could include"? It just says
2 "include"; correct?

3 A Correct.

4 Q I forgot to ask you earlier. Before you
5 were retained by the defense but after the shooting,
6 had you had any contact with any of the victims'
7 families from this shooting?

8 A Not that I recall.

9 Q Do you recall anyone by the name Michelle
10 Gay?

11 A I've talked with her and met her
12 afterwards.

13 Q After the shooting?

14 A With the Safe and Sound Initiative.

15 Q Was that also with Mr. Parker, the Safe
16 and Sound Initiative?

17 A I've never had any contact with a Parker.

18 Q What was your role in the Safe and Sound
19 Initiative?

20 A I was contacted by Michelle Gay, who is a
21 parent of the one of the victims at Sandy Hook. She
22 advised that she was creating a nonprofit
23 organization to try to disseminate information on
24 school safety, an advocacy role. She asked if she
25 was able to use any of different type of resources

Page 35

1 that I had. And we had some conversations back and
2 forth with that. I allowed her to do that under the
3 idea that she was advocating and trying to provide
4 information from a parent's perspective for safe
5 schools.

6 Q Okay. Did you contribute at all to any of
7 the content that she published and promoted in her
8 safe schools initiative?

9 A Content of her website?

10 Q Yes.

11 A I believe she referenced items from my
12 books and prior publications. I didn't author
13 anything specific to it.

14 ATTORNEY JANASOV: Okay. I'm gonna have
15 this marked.

16 (Whereupon, Plaintiff's Exhibit H, 10
17 Lessons learned post, was marked for
18 identification.)

19 Q Now, this is a 10 Lessons Learned from the
20 Sandy Hook School Shooting. It was posted by Ken
21 Trump on December 4th, 2013. Ken Trump's blog and
22 E-newsletter signup. I'll show this to you. Do you
23 recall drafting that, posting that?

24 A In general, yes, that would have been
25 something from my blog.

Page 36

1 Q Okay.

2 A I don't recall all the content of it.

3 Q I'm gonna ask you some questions about it.
4 It says on here, "While additional details may be
5 revealed in forthcoming documents" -- again, it's
6 dated December 4th, 2013, so it's almost a year
7 post-shooting -- "from the Connecticut state police,
8 10 important lessons from Sandy Hook have emerged
9 based upon the final report, information shared with
10 us by individuals involved with the incident and
11 other published reports. One. Invest in the people
12 side of school safety. The principal and school
13 psychologist lost their lives moving toward the
14 shooter. Teachers and teacher aides in two
15 classrooms died with their children. The office
16 staff minimized their visibility and as shots were
17 being fired in the hall still managed to call 911.
18 The school custodian ran through the building
19 alerting teachers to lock down as he helped locked
20 classroom. People are the first line of defense for
21 student safety. We need to invest more in training
22 and preparing our students and staff for safety,
23 security, and preparedness versus skewing our focus
24 on security equipment." As you sit here today, do
25 you still stand behind that statement?

9 (Pages 33 to 36)

Sanders, Gale & Russell
(203) 624-4157

A-519

Page 37

1 A Well, I'm assuming that's the whole
2 paragraph of that statement?
3 Q That was the whole paragraph.
4 A For the context of it, just for the
5 record. Yes. I mean, what we saw after Sandy
6 Hook -- in the broader field, not specific to the
7 incident -- was a reactive effort through focus on
8 hardware and equipment and the physical security.
9 Q Talking about people?
10 A Measures. A number of states did
11 one-time, quick fix shot-in-the-arm type things for
12 different types of hardware and equipment and based
13 on anecdotal news stories and information. So the
14 message there was that you can't take a hardware
15 approach alone, that physical security measures are
16 steps to reduce the risks but you also have to
17 balance that out. What we saw and continue to see
18 to a large extent is that focus -- and it's also
19 driven by product vendors and equipment providers
20 who are trying to promote their products and kind of
21 prey on the emotional piece. The message there was
22 to be sure you take a balance comprehensive
23 approach.
24 Q I've seen someone trying to push those
25 remote-control drones to like police the hallways,

Page 38

1 things like that. So it's kind of addressing that
2 theory of trying to take the people out of the
3 equation and replace it with machinery and tools and
4 toys for security instead, right?
5 A The message is to have a balanced and
6 comprehensive approach. And, unfortunately there
7 are a lot of opportunistic products and vendors that
8 don't. And you just can't focus on that quick fix
9 from a hardware type of a perspective. It's a tool
10 that's a part of the overall comprehensive approach
11 as we saw that they had, including at Sandy Hook.
12 But we're trying to get the message out, since there
13 was a response from both the business industry and
14 some limited grants that were put out by government
15 officials as sort of a reactionary measure, to be
16 cautious not to overly focus or solely focus very
17 narrowly on that. So that's the point of that.
18 Q Have you had an opportunity to view the
19 new Sandy Hook Elementary School since it's been
20 built?
21 A No.
22 Q Are you aware of any of the security
23 changes that have been made between the old building
24 and the new building?
25 A No. I don't have any first hand knowledge

Page 39

1 of it. Some passing news stories but I've never
2 really never paid attention to that. I focused
3 specifically for this case on what was in place at
4 the time of the incident and prior to that.
5 Q Okay. Now paragraph two of the blog
6 says -- again, says 10 Lessons. Says "Lockdowns
7 work and are still one of the most effective tools
8 available to get students and staff out of harm's
9 way. While 26 students and staffed sadly lost their
10 lives at Sandy Hook, many lives were saved due to
11 students and staff locking down. The final report
12 indicates that classrooms on both sides of the rooms
13 where the killings occurred locked down and remained
14 quiet with no one harmed. The shooter bypassed the
15 first classroom that was locked down and had a piece
16 of paper covering the window that remained from a
17 lockdown drill the week prior to the shootings. The
18 principal told everyone to stay put, not to run or
19 attack the gunman. And one shot staff member made
20 it back into the conference room, locked down,
21 called 911, and activated the PA." I'm stopping in
22 the middle of the paragraph. First, I'd like to
23 know where you got the information that the shooter
24 had bypassed a window that had paper covering it and
25 was locked prior to reaching the other classroom?

Page 40

1 Do you remember where you got that information?
2 A At that point, based on news reports.
3 Q Okay. So you got that from general media?
4 A Yes.
5 Q Since that time, do you have anywhere to
6 cite where that information is located?
7 A That was written in December -- what was
8 the date on that?
9 Q December 4th, 2013.
10 A So the one year anniversary.
11 Q What I'm asking is, Do you know of
12 anywhere today where I could find information that
13 states that rooms were locked down and one room had
14 a piece of paper covering the window that remained
15 and that he bypassed classrooms prior to reaching
16 other rooms?
17 A Actually the state attorney's final report
18 indicated that the two classrooms on both sides were
19 locked down; I believe it was room 12 and -- it
20 would have been room 12 and 6. Both of those rooms,
21 they were able to -- on both sides of the incident
22 had been secured and the kids were in the classroom
23 and the room hadn't been entered. I don't remember
24 the exact verbiage but that was --
25 Q So to your knowledge part of the school

10 (Pages 37 to 40)

Sanders, Gale & Russell
(203) 624-4157

A-520

Page 41

1 was in fact locked down on that day and it's
2 contained within the state's attorney's report.
3 Now, also it says hear that a staff member made it
4 back into the conference room, locked down, called
5 911, and activated the PA. Where did you get that
6 information from?

7 A I believe at that point that was based --
8 everything in that blog was based on either general
9 news reports or the state attorney's report.

10 Q Okay. We will come back to these two.
11 "Office staff and school nurse locked down. We have
12 been told that a secretary and nurse locked down so
13 successfully that they went undetected during
14 multiple police sweeps of the building and were
15 detected only after the police set up a commander
16 center in the office nearby where they were locked
17 down." Same question; do you know where you got
18 that information from?

19 A Same answer for everything that's in
20 there.

21 Q Okay. "And the final report indicates the
22 two rooms where the children and educators were
23 killed had unlocked doors, showed no signs of forced
24 entry, and keys were found on the floor nearby one
25 killed teacher. This suggests not that these rooms

Page 43

1 Q So you're stating that Steve Sedensky's
2 final report indicates that the two rooms where the
3 children and educators were killed had unlocked
4 doors, showed no signs of forced entry, and keys
5 were found on the floor near one killed teacher?

6 A Either the state's attorney's report -- if
7 that's what it says there. I haven't read that
8 whole thing. I'm not questioning it doesn't say
9 that.

10 Q Starts with, "The final report."

11 A If that's what I cited as the final
12 report, I was referring, as I indicated earlier,
13 that the Connecticut State's Attorney's report was
14 the basis.

15 Q That would be Steve Sedensky's final
16 report on the shooting would be what you're talking
17 about, Steve Sedensky, state's attorney?

18 A I don't recall his name.

19 Q "Number three. Diversify drills and make
20 them reasonable but progressively challenging.
21 Conduct lockdown drills between class changes,
22 during lunch periods, upon student arrival, at
23 dismissal, during staff-only in-service days.
24 Remove the building's leadership team and office
25 staff to see how drills unfold without them, as was

Page 42

1 were looked down and breached but that they may not
2 have had time to lock down." Where did you get the
3 information that the rooms were unlocked or the
4 doors were unlocked, do you know?

5 A Same answer as before.

6 Q And the fact that keys were found on the
7 floor nearby one killed teacher?

8 A Same answer as before, for the entire
9 thing. That was written based on either the state's
10 attorney's report or general news reports at that
11 point in time.

12 Q Okay. So general media reports that had
13 been reported over the year, is it safe to say that
14 those may not have been accurate?

15 ATTORNEY CANNAVINO: Objection to form.
16 Go ahead.

17 A It's safe to say that media reports aren't
18 accurate or -- absolutely.

19 Q Okay. When you indicate, "The final
20 report indicates that two rooms where the children
21 and educators were killed and unlocked doors and key
22 was found on the floor," what final report are you
23 saying indicates that?

24 A Again, I believe that's the state's
25 attorney's report.

Page 44

1 the case in Sandy Hook, once the principal and
2 psychologist were killed and the office staff's
3 ability to act was marginalized by an immediate
4 threat."

5 As you sit here today, do you still
6 stand by that advice as being sound security advice
7 for a school?

8 A Sure. That's one of the things we say to
9 consider.

10 Q I'm gonna put this aside for a moment.
11 I'm gonna start with this.

12 ATTORNEY JANASOV: I'm gonna mark this as
13 Plaintiff's I.

14 (Whereupon, Plaintiff's Exhibit I, CT
15 State Police Major Crimes run sheet of 911
16 calls, was marked for identification.)

17 Q For the record, Plaintiff's I is the
18 Connecticut State Police Western District Major
19 Crimes Squad and it's basically the run sheet from
20 all 911 calls that came in that day. Now, in your
21 blog you had stated that the aide or the one shot
22 staff member made it back into the conference room,
23 looked down, called 911, and activated PA; is that
24 correct? You stated you heard that from the news or
25 from the state's attorney's report, correct?

11 (Pages 41 to 44)

Sanders, Gale & Russell
(203) 624-4157

A-521

Page 45

1 A If that's what is written there, yes.

2 Q I'm gonna show you what's been marked, the
3 911 tape. I'm just gonna show you right here; it's
4 at 9:38:34, it says "Parent in conference room
5 number 9 calls 911 and it's answered by CSP
6 dispatcher LaPray. Then it's blacked out the name,
7 which is obviously the parent's name. Tells
8 dispatcher that she is in a conference room with
9 five adults and one has been shot twice. Tells
10 dispatcher that the surveillance, that the shooter
11 is right outside the door, and that the shooter has
12 already shot a hundred times. Is there anywhere
13 there that it says that the staff member called 911?

14 A No.

15 (Whereupon, after a short recess, the
16 testimony continued as follows:)

17 Q So, I had just asked you, according to
18 this 911 run sheet it would appear it was not
19 actually a staff member that called; it was a parent
20 that called from conference room 9 that dialed 911,
21 correct? You're free to check the entire 911 to see
22 if there's any.

23 A I recall reviewing this at some point in
24 time. I don't recall if this is before or after
25 that blog was written. That blog was basically

Page 47

1 I'm gonna ask you to look closely at footnote 15
2 specifically -- no. Sorry, not footnote 15, I
3 apologize. Okay. The last paragraph, if you can
4 just read that to yourself.

5 A Okay.

6 Q So, according to this last paragraph it
7 says, "A call to 911 was made in the ensuing
8 moments. The telephone in room 9 was also used to
9 turn on the supplied intercom system. This appears
10 to have been done inadvertently but provided notice to
11 other parts of the building."

12 A Correct.

13 Q Taken in conjunction with the 911 report
14 that a parent called, would it make sense a parent
15 wouldn't know how to turn on the PA system and that
16 it was done inadvertently, as State's Attorney
17 Sedensky concluded?

18 ATTORNEY CANNAVINO: Objection to form.

19 A I wouldn't know what the parent would or
20 wouldn't know.

21 Q Okay. Well, is it safe to say that your
22 blog statement regarding that it was a staff member
23 who made it back in the conference room, locked it
24 down, called 911, and activated the PA is not
25 consistent with what's written in Steve Sedensky's

Page 46

1 trying to get some general information out to the
2 broader school safety community, so they could get
3 some perspective and some context for this. But in
4 response specifically to your question, correct, it
5 does not say a staff member. This entry says a
6 parent.

7 Q Okay. And this was actually attached as
8 an exhibit to the state's attorney's final report
9 starting at page A-78, exhibit listed as a timeline.
10 I'm actually gonna mark the state's attorney's final
11 report next.

12 (Whereupon, Plaintiff's Exhibit J, state's
13 attorney's report, was marked for
14 identification.)

15 ATTORNEY JANASOV: For the record,
16 Plaintiff's Exhibit J is the report of the
17 State's Attorney for the Judicial District of
18 Danbury on the Shootings at Sandy Hook
19 Elementary School and 36 Yagananga" -- which I
20 believe is a typo -- "Newtown, Connecticut on
21 December 14th, 2012. Office of State's
22 Attorney, Judicial District of Danbury, Stephen
23 J. Sedensky III, State's Attorney dated
24 November 25th, 2013.

25 Q I'm gonna turn your attention to page 9.

Page 48

1 report?

2 A The blog was written on general media
3 reports and some general items from there. I don't
4 know how much was into the blog. It's possible,
5 likely, that there are some discrepancies.

6 Q My question is, Is it safe to say that
7 it's not consistent with what's in the actual
8 report?

9 A "It" being?

10 Q That it was a staff member that called 911
11 and activated the PA and locked down the room.

12 A Correct.

13 Q In addition, you had wrote in here that
14 "The final report indicates that two rooms where the
15 children and educators were called had unlocked
16 doors, showed no signs of forced entry and keys were
17 found on the floor near one killed teacher." The
18 incident begins on page 9, ends on page 11 with the
19 response. Then it goes into -- I'd just like for
20 the sake of clarity for you to show me where in this
21 report it says that there was a key found next to a
22 teacher.

23 A I would need to review the whole report.
24 I don't know exactly where it is. It's a 40-some
25 page report.

12 (Pages 45 to 48)

Sanders, Gale & Russell
(203) 624-4157

A-522

Page 49

1 Q A lot of it has to do with what happened
 2 at Yugonda Street, I would just ask you to read it.
 3 A You're asking me to read pages 9 through
 4 11? Just so we're clear.
 5 Q Yes. You can go into the response if you
 6 want. I'm just asking where there's any indication
 7 in that report that there was a key found next to a
 8 teacher.
 9 A To answer that I would need to read the
 10 entire report, re-read the entire report.
 11 Q If you need to do that, I can take a break
 12 and go off the record.
 13 A I don't know if it's in here or not. I
 14 will look through pages 9 through 11 that you
 15 indicated.
 16 I don't see that on pages 9 through
 17 11. I do recall that I believe it was part of the
 18 overall state police report later on that that was
 19 indicated, the keys were found there.
 20 Q What state police report?
 21 A One of the thousands of pages that were
 22 there; I don't recall which one.
 23 Q Okay.
 24 A I don't know if the reference is somewhere
 25 else in one of these pages but within those pages,

Page 51

1 same vein, I'm gonna mark these two.
 2 (Whereupon, Plaintiffs Exhibit L,
 3 affidavit of Kris Feda; M, affidavit of Natalie
 4 Hammond, were marked for identification.)
 5 ATTORNEY JANASOV: For the record,
 6 Plaintiffs L is the affidavit of Kris Feda
 7 attached to the defendant's motion for summary
 8 judgment and Plaintiffs Exhibit M is the
 9 affidavit of Natalie Hammond.
 10 Q First, with Natalie Hammond I would ask
 11 you to read paragraph 15 out loud.
 12 A Paragraph 15. The line states, "Every
 13 classroom at Sandy Hook school had the red emergency
 14 response plan in a plastic folder with a key to the
 15 classroom door."
 16 Q If you can, read paragraph 14 of Exhibit
 17 L, which is the affidavit of Kris Feda.
 18 A Sorry, which number again, please?
 19 Q Fourteen.
 20 A Fourteen. Number 14 reads, "Every
 21 classroom at Sandy Hook had the red emergency
 22 response plan in a plastic folder with a key to the
 23 classroom door."
 24 Q Okay. I'm just gonna show you Exhibit K
 25 again, which was that evidence log and ask you to

Page 50

1 it's not there.
 2 ATTORNEY JANOSOV: I will mark this next.
 3 (Whereupon, Plaintiffs Exhibit K,
 4 exhibits report, was marked for
 5 identification.)
 6 ATTORNEY JANASOV: For the record. This
 7 is the exhibit report between the dates Friday,
 8 December 14th, 2012 and Thursday December 20th,
 9 2012. The following exhibits were seized from
 10 several locations during the investigation of a
 11 multiple homicide school shooting incident,
 12 which occurred at 12 Dickerson Drive, Sandy
 13 Hook, Connecticut. In it it has a description,
 14 an exhibit number, a date and time, who it was
 15 seized by, and the location where it was
 16 seized. You can look through there and show me
 17 if there was a key anywhere listed in there
 18 that was seized.
 19 A Want me to go through all 10 pages?
 20 Q Sure.
 21 A Looking at the pages you gave me, there
 22 were some blacked out sections on a couple of them.
 23 I have no idea what was in there. But based on what
 24 you gave to me, I didn't see any reference to a key.
 25 ATTORNEY JANASOV: Okay. Now, in that

Page 52

1 look at exhibits 80 and 81 that were seized. Read
 2 into the record what was seized and where and when.
 3 A The record states "Exhibit 80.
 4 Description: Emergency response plan packet.
 5 Location seized: Classroom 10 interior south wall,
 6 eastern door trim. Date and Time: 12-18-12 at 1810
 7 hours. Seized by Det.," presumably detective,
 8 "Sliby," S-L-I-B-Y, "number 810."
 9 Q And number 81?
 10 A "Number 81. Exhibit 81. Emergency
 11 Response Plan Packet. Scene: Classroom 8, interior
 12 south wall, eastern door trim. 12-18-12 at 1811
 13 hours. Detective" -- same detective, S-L-I-B-Y --
 14 "number 810."
 15 Q Do you remember the numbers of the
 16 classrooms where the children were shot inside?
 17 A They were number 8 and 10.
 18 Q Okay. So when you had said there was a
 19 key laying next to a deceased teacher, would that be
 20 a teacher in either classroom 8 or 10 that you were
 21 referring to?
 22 A I believe the media reports were it was
 23 for Miss Sotto, which would have been -- she was in
 24 room 10.
 25 Q And just for sake of clarity, going back

13 (Pages 49 to 52)

Sanders, Gale & Russell
 (203) 624-4157

A-523

Page 53

1 to Plaintiff's Exhibit G, I had shown you the
 2 affidavit of Natalie Hammond and Kris Feda. On that
 3 Incident Command Sandy Hook Emergency School
 4 Flowchart that I showed earlier, Natalie Hammond is
 5 listed as the lead teacher in the planning and
 6 intelligence section, correct?
 7 A Correct.
 8 Q Kris Feda is listed as ICS log?
 9 A Correct.
 10 Q We read what those people's
 11 responsibilities were earlier, correct?
 12 A Correct.
 13 ATTORNEY JANASOV: You can mark these all
 14 as just one exhibit.
 15 (Whereupon, Plaintiff's Exhibit N, for
 16 pages of photos, was marked for
 17 identification.)
 18 ATTORNEY JANASOV: For the record,
 19 Plaintiff's Exhibit N is four photographs.
 20 Q I'm gonna show them to you and ask you to
 21 look at them. Read the exhibit numbers underneath
 22 the items.
 23 A Okay.
 24 Q Do those appear to be what's listed as
 25 exhibits 80 and 81 in the exhibit list that I gave

Page 55

1 A Could I see those again?
 2 Q Sure. I believe it was paragraph 15 on
 3 Exhibit M, Natalie Hammond.
 4 A On Natalie Hammond, item 15, it states,
 5 "Every classroom at Sandy Hook School had the red
 6 emergency response plan in a plastic folder with a
 7 key to the classroom door."
 8 Q So, do these appear to be photographs of
 9 what she's referencing in that affidavit?
 10 A I don't believe so. I certainly can't say
 11 that those -- I understand what's in the photos to
 12 be the fire emergency card and that there was a
 13 plastic, separate plastic folder with the emergency
 14 response plan and key to the classroom along with
 15 substitute information. It was a separate item.
 16 Q Can you show me where those were listed in
 17 the exhibits that were seized?
 18 A I don't see a reference to the substitute
 19 folder.
 20 Q Did you see the word "folder" anywhere in
 21 there?
 22 A No. I don't see the word folder in there.
 23 Q So if this comprises the entirety of the
 24 exhibits that were seized from classrooms 8 and 10,
 25 what other folders would they be referring to in

Page 54

1 you?
 2 A These two are marked as exhibit 81, the
 3 other is marked exhibit -- excuse me, three of them
 4 have exhibit 81 under it and one is listed as
 5 exhibit 80.
 6 Q Okay. Do those appear to be marked as the
 7 emergency response plan folders that were listed in
 8 the exhibit list that I told you?
 9 ATTORNEY CANNAVINO: Objection to form.
 10 A Actually, these are listed specifically in
 11 the photographs that you're showing me now as
 12 fire/emergency card.
 13 Q Right. But the exhibit numbers
 14 corresponding to the exhibits listed on the exhibit
 15 report. Correct? I will show you the exhibit
 16 report again, if you like.
 17 A Correct. So the exhibit numbers
 18 correspond.
 19 Q Exhibit numbers 80 and 81, as you had
 20 stated, were listed as Emergency Response Plan
 21 Packet that were taken for classroom 10, interior
 22 south wall of eastern door trim. The affidavit I
 23 had you read said that keys were contained in red
 24 emergency response plan folders. Correct?
 25 ATTORNEY CANNAVINO: Objection.

Page 56

1 that affidavit, other than those two, in your
 2 opinion?
 3 ATTORNEY CANNAVINO: Objection to form.
 4 A I don't know that that was everything.
 5 Q I'm saying if. If this was everything
 6 seized, according to all the police reports,
 7 thousands of pages of police reports, this was
 8 everything that was seized from classrooms 8 and 10,
 9 do you believe those are the red emergency response
 10 folders that they are referring to in those
 11 affidavits?
 12 A In the affidavit, they referred to a red
 13 emergency plan, not a red folder. I understood
 14 their reference in the affidavits to be referring to
 15 this document that's colored red, not the folder. I
 16 understood the red document was in a plastic folder.
 17 Q Yes. I was going by the affidavit.
 18 Number 15 says, "Every classroom in Sandy Hook had
 19 the red emergency response plan in a plastic folder
 20 with a key to the classroom door." Correct?
 21 A Correct. That it says the red emergency
 22 plan in a plastic folder with the key but it didn't
 23 say a red plastic folder. Just for clarification.
 24 Q I'm just saying, if there's no other
 25 evidence of anything being seized by the police out

14 (Pages 53 to 56)

Sanders, Gale & Russell
 (203) 624-4157

A. 524

Page 57

1 of the classroom, if this is exhibit 80 and this is
 2 81, would you believe these would be the folders
 3 that they were referring to?
 4 ATTORNEY CANNAVINO: Objection.
 5 A I don't know.
 6 Q I'm saying, if there was nothing else
 7 seized, if there was no other folders seized.
 8 ATTORNEY CANNAVINO: Objection.
 9 A I don't --
 10 Q Would you expect --
 11 A Are you asking me to answer a
 12 hypothetical?
 13 Q Yes.
 14 A In the hypothetical, I couldn't say that.
 15 I don't know. It was not described in the affidavit
 16 as a red folder. It was described as a plastic
 17 folder. So that doesn't appear to be -- exhibit
 18 number 81 doesn't appear to be a plastic folder.
 19 This is a building map. When I see a fire and
 20 emergency card folder, based on my experience, that
 21 typically has a classroom roster for when you
 22 evacuate; that's for student accountability on the
 23 outside. That's different from actually having a
 24 school emergency plan or a key or other substitute
 25 materials on it. This is just fire drill, student

Page 58

1 accountability for a checklist, based on what I've
 2 seen. So, I can't make that conclusion.
 3 Q I'm asking you in the hypothetical, that
 4 if there's no -- would you expect that if there were
 5 red emergency response plans inside of folders, if
 6 police had collected this as evidence they would
 7 have collected that as well?
 8 ATTORNEY CANNAVINO: Objection.
 9 A I don't know what they collected. I can't
 10 assume that they did. They collected everything.
 11 Q I'm just saying in your experience in
 12 school tragedies, would they leave something like
 13 the emergency response plan behind and collect the
 14 class roster?
 15 ATTORNEY CANNAVINO: Objection.
 16 A I don't know what their collection
 17 procedures are. I never really studied exactly what
 18 they do and don't do in every case. I mean, the
 19 police would have to explain what they did. I
 20 wouldn't feel comfortable trying to opine what their
 21 methodology was in that particular crime scene.
 22 That's outside the scope of my expertise.
 23 Q I'm not gonna bother showing you what was
 24 inside those folders. I'm gonna turn now to the
 25 affidavit of Mark Pompano, if you look at paragraph

Page 59

1 30 of his affidavit.
 2 ATTORNEY CANNAVINO: Should we have that
 3 marked?
 4 (Whereupon, Plaintiff's Exhibit O,
 5 affidavit of Mark Pompano, was marked for
 6 identification.)
 7 Q Paragraph 30. You can read it out loud.
 8 A Paragraph 30. The line states,
 9 "Substitute teachers had access to the keys to the
 10 classrooms where they were substituting via
 11 substitute folder and/or located in the classroom
 12 itself."
 13 Q Okay. And, again, you didn't see anything
 14 in the police evidence log regarding any other
 15 folders being seized, correct, no keys?
 16 A I did not see anything in there that said
 17 the word folder or keys, correct.
 18 Q Okay. Before I come back to him, you had
 19 said that you, based some of your stuff on media,
 20 things that you had seen in the media, correct?
 21 Some of the stuff in your blog had come from media
 22 reports; is that correct?
 23 A At the 2013, December 2013 anniversary
 24 blog, correct.
 25 ATTORNEY JANASOV: If I can have this

Page 60

1 marked as P.
 2 A Not -- my opinions here are not based on
 3 media, just to be clear.
 4 (Whereupon, Plaintiff's Exhibit P, media
 5 article, was marked for identification.)
 6 Q I'm gonna ask you to read this very brief
 7 article. You can read it to yourself or out loud,
 8 whichever is more comfortable for you.
 9 A Okay.
 10 Q Now, for the record, Plaintiff's P is a
 11 post entitled "Grieving Family. Newtown teacher
 12 didn't have classroom keys that could have protected
 13 her." It's dated December 19th, 2012. Who is this
 14 article regarding? Who is it about? Who is it
 15 referencing?
 16 A The article references Lauren Russo, the
 17 substitute teacher at Sandy Hook. It references her
 18 father.
 19 Q And what's her father's complaint in that
 20 article?
 21 A In the two pages that's here for the PIX
 22 11 New York News it says, "that fact torments her
 23 father who now wonders if keys would have saved his
 24 daughter's life."
 25 Q So her father is calling into question

15 (Pages 57 to 60)

Sanders, Gale & Russell
 (203) 624-4157

A-525

Page 61

1 whether or not his daughter had access to keys to
 2 the classroom; is that correct?
 3 A That's what the media report states.
 4 Q Right. You said you based some of your
 5 facts that you derived on your blog from media
 6 reports, correct?
 7 A In the 2013 I base some general
 8 suggestions on media reports and the state report.
 9 Q Right. But you said some of this was
 10 based on media reports, correct?
 11 A Based upon the information that was out
 12 and being discussed in the field as of
 13 December 2013.
 14 Q Sure. This pre-dates that, correct, being
 15 December 2012?
 16 A This was dated December 19th, 2012, which
 17 would have been a couple days after the incident.
 18 Q Correct. So, according to this article,
 19 the father of the substitute teacher, Lauren Russo,
 20 is concerned that she didn't have keys to lock the
 21 door, correct?
 22 A According to that article.
 23 Q You went to the school you said, correct?
 24 A Correct.
 25 Q Did the doors lock from the inside at

Page 63

1 time, but you would have to lock the door from the
 2 outside. And in this particular case, I don't
 3 recall if the classroom, if there was any
 4 entranceway, any distance from the hallway, if there
 5 was a setback on the room. As I recall, I believe a
 6 couple of the doors, some of the doors in the
 7 building that I saw sat back slightly from the
 8 actual immediacy of the hallway. So it would be
 9 somewhat indented inside and then I believe there is
 10 some that were not.
 11 Q Conference room 9 is also in that exact
 12 same hallway, correct?
 13 A Correct.
 14 Q That's the conference room where the
 15 principal was located, correct?
 16 A Where she was located for the conference
 17 at the time the shooting started, yes, correct.
 18 Q And according to the affidavits of Natalie
 19 Hammond, who was listed in that ICS list, and Kris
 20 Feda, were they also in conference room 9?
 21 A Yes; that's correct.
 22 Q If you could just look at Kris Feda's
 23 also?
 24 A Oh, I'm sorry. Let me go with Natalie
 25 Hammond first. Read back where it specifically

Page 62

1 Sandy Hook Elementary School?
 2 A No.
 3 Q How were the doors locked?
 4 A The doors had to be locked with the key
 5 from the outside, outside the door handle, the door
 6 mechanism. It had to be on the exterior, not the
 7 interior.
 8 Q Would that require in the case of a
 9 shooter for someone to go out into the hallway with
 10 the key and lock the door?
 11 A Possibly, depending on the design of the
 12 door and alcoves and in general. But they would
 13 have to lock it from the outside. They wouldn't be
 14 locking it from the inside.
 15 Q Okay. But if the shooter was -- as we had
 16 marked earlier the map -- we marked earlier the map
 17 here as Plaintiff's Exhibit F. When we get to
 18 classrooms 8 and 10, the entrance to where he
 19 entered the main lobby, if you were in classrooms 8
 20 or 10, would you have to go out into the hallway and
 21 expose yourself to the shooter in order to lock the
 22 door because the doors locked from the outside with
 23 a key?
 24 A I can't say whether or not they would be
 25 exposing themselves to the shooter at a point in

Page 64

1 references that I remember that she was in the room
 2 because she was the third person who came out of the
 3 room 9 following the principal, Dawn Hochsprung, and
 4 then Mary Sherlach, the school psychologist. Who --
 5 they were killed and she was behind them. So she
 6 was in the room. Item number 17. This is Exhibit
 7 M, affidavit of Natalie Hammond, item number 17,
 8 "Approximately 9:30 a.m. I was in conference room
 9 number 9 for a special education team meeting."
 10 Then I'll look at Exhibit L, affidavit of Kris Feda.
 11 Item number 16. "At approximately 9:30 a.m. I was
 12 in conference room 9 for a planning and placement
 13 meeting." I just wanted to site the specific.
 14 Q So both of them were in that room,
 15 correct?
 16 A Yes.
 17 Q You had also referenced Mary Sherlach, the
 18 psychologist as well, correct?
 19 A Correct.
 20 Q On this incident command system, the
 21 planning and placement intelligence section would be
 22 lead teacher Natalie Hammond. She just gave an
 23 affidavit that states that she was in conference 9
 24 at the time the shooting began, correct?
 25 A Yes.

16 (Pages 61 to 64)

Sanders, Gale & Russell
 (203) 624-4157

A-526

Page 65

1 Q Kris Feda was also listed in an affidavit?
 2 A Yes.
 3 Q Mary Sherlach was unfortunately killed in
 4 the incident, correct?
 5 A Yes.
 6 Q She was also on the ICS log, correct?
 7 A Yes.
 8 Q And the principal and incident commander,
 9 Dawn Hochsprung, was also in conference room 9?
 10 A Correct.
 11 Q The map we have here, conference room 9 is
 12 across from the lobby entrance and maybe one room on
 13 the opposite hallway, two rooms plus part of the
 14 main office away, correct?
 15 A Based on the map, conference room 9 was
 16 across from rooms 12 and 10, which, from the main
 17 office. On the same side you had the main office,
 18 the principal's office, inside a closet, and then
 19 the conference room. So positioning related to the
 20 classrooms, it was 10 and 12.
 21 Q And I'm coming from where Adam Lanza
 22 entered the school, he entered within a room or two
 23 of conference room 9, correct?
 24 A He was very close, yes.
 25 Q If you can read paragraph 9 of Kris Feda's

Page 67

1 Q Conference room 9, from what we learned
 2 from the 911 report had access to PA and an outside
 3 911 line; is that correct?
 4 A Correct.
 5 Q I'm gonna get back to where we were
 6 questioning before on the substitute teacher and the
 7 key.
 8 ATTORNEY JANASOV: If we can mark these
 9 three. This is, just for the record, a copy
 10 from the Hartford Current dated Friday,
 11 February 1st, 2013 as well as two affidavits
 12 from the LA times; one is an affidavit of
 13 publication, the other is an affidavit
 14 concerning it being a business record. You can
 15 mark all three as one exhibit.
 16 (Whereupon, Plaintiff's Exhibit Q, copy of
 17 Hartford Current article 2-1-13 as well as two
 18 affidavits, was marked for identification.)
 19 Q I'm gonna show you what's been marked --
 20 the affidavits aren't really important for you
 21 particularly. I'm just gonna ask first, the title
 22 at the top is Schools Told to Give Substitute Keys.
 23 Correct?
 24 A Correct.
 25 Q Dated February 1st, 2013?

Page 66

1 affidavit into the record?
 2 A Kris Feda. Paragraph?
 3 Q Nineteen.
 4 A Nineteen, okay. Plaintiff's Exhibit L, 19
 5 states, "Immediately upon the sound of gunfire Dawn
 6 Hochsprung, Mary, and Natalie left the room to
 7 investigate. They closed the door behind them, the
 8 rest of the staff took cover in the room."
 9 Q So, according to this affidavit,
 10 immediately upon hearing gunfire in the school, the
 11 principal exited conference room number 9, correct,
 12 according to this affidavit?
 13 A According to that affidavit, when what was
 14 later determined to be the gunfire she exited the
 15 room, right.
 16 Q Well, I mean, she states that,
 17 "Immediately upon the sound of gunfire, Dawn
 18 Hochsprung, Mary, and Natalie left the room to
 19 investigate. They closed the door behind them. The
 20 rest of the staff took cover in the room." Correct?
 21 A Correct, that's what's stated there.
 22 Q According to this, the principal
 23 immediately exited conference room 9 upon hearing
 24 gunfire?
 25 A Correct.

Page 68

1 A Correct.
 2 Q If I can just see it for a moment. If you
 3 start at the top of paragraph three it states,
 4 "Robinson said she was not sure whether Russo had
 5 been given a key." Correct?
 6 A Excuse me. Let me get my eyes at the
 7 correct angle here. "Robinson said she was not sure
 8 whether Russo had been given a key. She said that
 9 the School District supplied individual schools with
 10 a reminder about supplying classroom keys to
 11 substitutes."
 12 Q Robinson would be Janet Robinson; is that
 13 correct? If you look back it says.
 14 A Has referenced a couple paragraphs before
 15 Superintendent of Schools Janet Robinson; yes,
 16 correct.
 17 Q Okay. It states at the bottom of the
 18 first page that -- it's "Continued Substitute, B6,"
 19 correct?
 20 A Correct.
 21 Q Second page titled "Substitutes" is right
 22 here. Says it comes from --
 23 A B6 from B1.
 24 Q I would like you to read this paragraph,
 25 right here that starts with "Robinson."

17 (Pages 65 to 68)

Sanders, Gale & Russell
 (203) 624-4157

A-517

Page 69

1 A It states, "Robinson said the School
2 District's policy was for teachers to set the lock
3 located on the hallway side of the door with their
4 classroom keys when they arrived and started work,
5 in the event of a lockdown during the school day."
6 Q Okay. That, again, would be referring to
7 the superintendent of schools, correct?
8 A Based on the article, correct.
9 Q And what Robinson's statement is saying is
10 it was the teacher's job to lock the door upon
11 arrival. And if you continue to read -- actually
12 just read the quoted section where it says,
13 "They" --
14 A Just for clarification, that was not a
15 quote, direct quote from Robinson; it was a
16 paraphrase. The quoted section then was, quote,
17 "They are supposed to have their doors locked and
18 then just slam them shut (if there is a lockdown.)"
19 end quote, "Robinson said."
20 Q So what Janet Robinson effectively is
21 saying here is there was a policy in place that when
22 teachers arrived at school they were to lock the
23 door and then in case there was a lockdown or
24 emergency drill they were to just simply close their
25 doors and the doors would then be locked, correct?

Page 70

1 ATTORNEY CANNAVINO: Objection to form.
2 A That's what the quote says. I have never
3 seen such a policy. That's what's quoted in the
4 article.
5 Q I'm saying, that's what the article says,
6 right?
7 A That is what it says, correct.
8 Q Okay. In that instance you wouldn't have
9 to go out in the hallway and expose yourself to any
10 shooter, correct, to lock the door, if you had done
11 that?
12 ATTORNEY CANNAVINO: Objection.
13 A It would depend on the situation.
14 Q If the door was already locked and all you
15 had to do was close it from the inside, would you
16 have to go out into the hallway?
17 A If the door was propped all the way you
18 might have to step out to pull it closed, might be
19 some portion in the hallway; depends on the
20 situation.
21 Q But, I mean, you wouldn't have to go out,
22 stick a key in the lock, turn the lock. All you'd
23 have to do is close the door. Correct?
24 A Correct.
25 Q Then the door would be secure, according

Page 71

1 to that policy, correct?
2 ATTORNEY CANNAVINO: Objection.
3 A Two responses. One is assuming -- if it's
4 a hypothetical and assuming that the door closed and
5 locked and there are not any other issues and the
6 door was closed, presumably it would be locked. As
7 far as, according to the policy -- I haven't seen
8 any policy of that, but using what's in the article,
9 I would take that to mean that's what's being said.
10 Q According to her quote in the article then
11 that's what she's saying, correct, that the School
12 District's policy is that they were to lock the door
13 and in case of an emergency lockdown, they were to
14 simply slam the door shut and the door would be
15 locked, correct?
16 ATTORNEY CANNAVINO: Objection.
17 A Let me see the quote one more time to see
18 which part was quoted. The quoted part says, "They
19 are supposed to have their doors locked and then
20 just slam them shut if there is a lockdown." That
21 was the actual quote. Prior to that it was
22 attributed to her that the School District policy
23 was for teachers to set the lock located on the
24 hallway side of the door with their classroom keys
25 when they arrived and started work, in the event of

Page 72

1 a lockdown during the school day. So, based on the
2 quote, I just wanted to be sure I was answering your
3 question specifically. The quote says they're
4 supposed to have their doors locked and just slam
5 them shut if there was a lockdown.
6 Q That's what she said. And that would
7 result with the door being locked and everyone being
8 inside with a locked door?
9 A Presumably, assuming hypothetical that
10 there wasn't a problem with the lock, that the door
11 actually was all the way closed and there weren't
12 other potential situations, circumstances.
13 Q In your time as a school security expert,
14 have you ever heard of an instance of someone
15 shooting their way through a locked school door?
16 A During my experience, no.
17 Q Do you know of any instance that you can
18 say to where someone shot through a locked school
19 door to gain access?
20 A Shot through? No. I believe there was
21 one incident in Red Lake, Minnesota where a shooter
22 somehow got into a classroom door. I don't recall
23 whether it was shot or if it broke the glass.
24 Q I believe that was with a shotgun, using a
25 breaching shotgun. Talking about the Indian

18 (Pages 69 to 72)

Sanders, Gale & Russell
(203) 624-4157

A-528

Page 73

1 reservation case?
 2 A I believe it was 2005. I don't remember
 3 all the details.
 4 Q That was a breeching shotgun. As far as a
 5 Bushmaster rifle, do you know anyone able to shoot
 6 through a classroom door and gain access using that?
 7 A Nothing specific, no.
 8 Q Are you familiar with that model rifle?
 9 A I'm not a gun expert.
 10 Q Okay. Do you know anything about that
 11 model?
 12 A Just generally that it's a semi-automatic,
 13 is my understanding, assault rifle type weapon.
 14 Q Okay. And do you know how Adam Lanza
 15 actually in fact gained access to the school; was it
 16 by shooting through a door?
 17 A My understanding, based on the information
 18 that's been reviewed, it was not the door, it was
 19 actually a panel of glass, if you're facing it from
 20 the outside to the right of the doorway.
 21 Q And the panel of glass was large enough
 22 that once it was shot up he was able to enter the
 23 building through it, correct?
 24 A It's my understanding, yes.
 25 Q Is it your understanding there was any

Page 75

1 vestibule and then another door inside of that.
 2 Q Right. I'm just saying the door here was
 3 a steel security door, correct; is that your
 4 understanding, do you know?
 5 ATTORNEY CANNAVINO: Objection to form.
 6 A I don't recall exactly what it was made of
 7 or how much of that was glass, off the top of my
 8 head. I'd have to go back and look.
 9 Q I will give you Exhibit J, Steve
 10 Sedensky's report. Starting at page 9 is the
 11 incident.
 12 A Okay. Sorry, what are you asking me to
 13 look for?
 14 Q What the door was made out of, if it's
 15 listed in there. May not be in there. I may be
 16 wrong about where I found it.
 17 A It says "The doors to the school were
 18 locked as customarily were at this time, the school
 19 saying having already gun. The shooter proceeded to
 20 shoot his way into the school building through the
 21 plate glass window to the right of the front door
 22 lobby doors."
 23 Q So from what that's stating --
 24 A Sorry.
 25 Q I understand, it doesn't state the make of

Page 74

1 kind of security to that glass or just regular
 2 glass?
 3 A My understanding it was just regular
 4 glass. I'm not sure what you mean in terms of
 5 security.
 6 Q Bullet proof, wires running through it,
 7 anything like that?
 8 A No. I don't recall. I believe the phrase
 9 is bullet re-- I know what you mean.
 10 Q Resistant?
 11 A Bullet resistance, not bullet proof. I
 12 have never encountered any schools that have had
 13 bullet resistant glass.
 14 Q Have you encountered schools where they
 15 run the wire mesh through the glass so if the glass
 16 is broken there's still wire mesh?
 17 A Over 30 years I've seen all different
 18 types of setups, depending on when the building was
 19 made, just whatever product they used.
 20 Q So the way Sandy Hook was set up, it had a
 21 security door at the front, correct?
 22 A It had a door that was locked. Just
 23 clarifying.
 24 Q A steel security door, correct?
 25 A And then there was another -- there was a

Page 76

1 the door, correct?
 2 A Thank you. Apologize for interrupting.
 3 Q What it does state is that right next to
 4 the locked door itself is a piece of non-safety
 5 glass that's large enough to walk through, correct?
 6 ATTORNEY CANNAVINO: Objection to form.
 7 A It says specifically, "a plate glass
 8 window to the right of the door" which we know that
 9 he did walk through.
 10 Q So, based on that, we know that it was a
 11 plate glass window that was subject to gunfire and
 12 that was large enough for him to walk through,
 13 correct?
 14 A Correct. That's what occurred.
 15 Q I'm gonna go back to the affidavit of Mark
 16 Pompano. I'm gonna specifically show you what's
 17 been attached as exhibits to his affidavit. I think
 18 you actually provided it to me when you got here.
 19 It's the two Newtown Public Schools Emergency
 20 Lockdown Guidelines for Faculty and Staff. It's
 21 coming out of Exhibit O. Had you reviewed these two
 22 documents prior to the deposition?
 23 A I did. Not in full today but I've
 24 reviewed them before.
 25 Q Now, do you remember earlier I discussed

19 (Pages 73 to 76)

Sanders, Gale & Russell
 (203) 624-4157

A-519

Page 77

1 with you, for the purposes of this deposition the
 2 difference between a ministerial duty, meaning you
 3 must do something, and a discretionary act, meaning
 4 can or cannot and you have discretion, correct?
 5 A I remember your discussion of it, yes.
 6 Q All right. I'm gonna ask you in your
 7 expert opinion your impression of certain words.
 8 First and foremost, I want to ask you, on the bottom
 9 of page 1 of 2, in bold and underline, what does it
 10 say?
 11 A Okay. On the bottom of page 1, the first
 12 of two pages, it says, bold print, "Failure to
 13 comply with these rules can ultimately jeopardize
 14 the safety of all persons inside the classroom or
 15 neighboring classrooms in the immediate proximity."
 16 Q Would you say that put anyone who read
 17 this on notice that failure to comply with these
 18 rules can ultimately jeopardize the safety of all
 19 the persons inside the classroom or neighboring
 20 classrooms in the immediate proximity?
 21 ATTORNEY CANNAVINO: Objection to form.
 22 A I would say that based on what's
 23 highlighted in there it says what it says, "Failure
 24 to comply with these rules can ultimate jeopardize
 25 the safety of all persons inside the classroom or

Page 78

1 neighboring classrooms in the immediate vicinity."
 2 Q That's right on the first page, correct?
 3 A Correct.
 4 Q Let's go through the first one, which is a
 5 regular lockdown, and then there's a second one
 6 that's listed as a code blue lockdown, correct?
 7 A Correct.
 8 Q Have you reviewed both of these already?
 9 A I have. I don't recall them verbatim.
 10 Q I'm gonna go through with you. "Upon
 11 notification or personal observation that an
 12 emergency situation exists, it may become necessary
 13 for school administration to commence a, quote,
 14 lockdown, at any one of Newtown public schools."
 15 That's the first sentence, correct?
 16 A Correct.
 17 Q In your blog -- which I have horrendously
 18 misplaced at this point -- you stated that part of
 19 the classrooms were in lockdown, correct? You
 20 stated that the nurse was locked down so well that
 21 the police didn't find her until they set up a
 22 command center. Right?
 23 A I believe so, yes.
 24 Q I'm gonna show you the affidavit of Kris
 25 Feda and Natalie Hammond again; paragraphs 10 and 24

Page 79

1 in Kris Feda. Can you read those out loud?
 2 A Exhibit L, affidavit of Kris Feda. Number
 3 10 you said?
 4 Q Yup.
 5 A "The drill guidelines were communicated to
 6 the teachers at the first" --
 7 Q I apologize, not paragraph 10. Paragraph
 8 9 and then paragraph 24.
 9 A Nine and 24. Okay. Number 9 says, "The
 10 lockdown guidelines required a code to be
 11 communicated in order to trigger the enactment of
 12 the lockdown drill." And number 24 states, "At no
 13 point during the incident was a code called over the
 14 loudspeaker for the school to go into lockdown."
 15 Q Okay. We have established she was on the
 16 ICS team, correct?
 17 A Correct. She was listed on the chart.
 18 Q Now on Exhibit M, if you can read Exhibit
 19 numbers 10 and 27?
 20 A Number 10 states, "The lockdown guidelines
 21 required a code to be communicated in order to
 22 trigger the enactment of the lockdown drill." And I
 23 believe you said 27. It says, "At no point during
 24 the shooting was the code for a lockdown called."
 25 Q So, according to these affidavits, there

Page 80

1 was never a lockdown called?
 2 A Correct.
 3 Q And according to these affidavits in order
 4 for a lockdown to happen it had to be called over
 5 the intercom; is that correct? Is that what those
 6 affidavits state? I'm asking about the affidavits.
 7 Those affidavits state that in the first paragraph I
 8 had you read it has to be called over the PA?
 9 A Correct.
 10 Q Second sentence on this states,
 11 "Generally, this order will be announced over the
 12 school's public address system. This order will be
 13 given in the following manner: 'May I have your
 14 attention please, blank school is now in lockdown.'
 15 However, depending on the circumstances the lockdown
 16 order can also be given via telephone, two-way
 17 radio, and/or word of mouth. This announcement may
 18 also contained the term Code Blue which signifies
 19 that there is currently inside the school building,
 20 please see page two additional code blue
 21 information," correct?
 22 A It says "It signifies that the threat is
 23 currently inside the school building. Please see
 24 page two for additional code blue information."
 25 Q I'm not as good at upside down as you

20 (Pages 77 to 80)

Sanders, Gale & Russell
 (203) 624-4157

A-530

Page 81

1 thought. So, according to this, does it have to be
 2 called over the loud speaker?
 3 A It says that it could be given -- the
 4 order will be given there, however depending on the
 5 circumstances the lockdown order can be given via
 6 telephone, two-way radio, and/or word of mouth.
 7 Q And it says, "Upon notification or
 8 personal observation that an emergency situation
 9 exists, it may become necessary for the school
 10 administration to commence a lockdown." So actually
 11 it even includes just plain old personal observation
 12 to allow for a lockdown, correct?
 13 ATTORNEY CANNAVINO: Objection.
 14 A That's how that paragraph reads, correct.
 15 Q Right. Okay. So code blue indicates that
 16 there's a threat inside the building, page two,
 17 right?
 18 A Correct.
 19 Q We're gonna move on to the next paragraph
 20 in page one. "With the exception of Newtown High
 21 School, all other Newtown Public Schools remain in
 22 a, quote, soft lockdown, end quote, mode throughout
 23 the school day because they have buzzer camera entry
 24 systems in place." Does this infer that Sandy Hook
 25 Elementary School had a buzzer camera entry system

Page 83

1 securable room or not?
 2 ATTORNEY CANNAVINO: Objection.
 3 A The way I interpret that line is really a
 4 directive in case kids are in a hallway or they're
 5 in an area that's open space is how I get that. It
 6 says "escort them into a classroom or securable
 7 room." I'm not sure what the intent of the writing
 8 was there.
 9 Q So, I mean, have you read security
 10 guidelines before from other schools?
 11 A Yes.
 12 Q Have you reviewed security guidelines
 13 before?
 14 A Yes.
 15 Q Isn't that one of the primary things your
 16 company does?
 17 A Correct.
 18 Q Right. So I'm asking you, by reading
 19 this, is a classroom a securable room or not?
 20 ATTORNEY CANNAVINO: Objection.
 21 Q Can you tell from this sentence whether or
 22 not a classroom is a securable room?
 23 ATTORNEY CANNAVINO: Same objection.
 24 A From that specific sentence, I don't know
 25 what the intent is. Classroom could be a securable

Page 82

1 in place at the time of the shooting?
 2 A They had one. I don't know if -- I'm
 3 assuming that that could be concluded from that,
 4 that we know they had a buzzer camera intercom
 5 system.
 6 Q Okay. "Upon notification of, quote,
 7 lockdown, teachers and support staff should promptly
 8 gather their students and those in the immediate
 9 vicinity and escort them into a classroom or
 10 securable room."
 11 Now, first I want to ask you, the
 12 word "should," does that to you sound to be
 13 directive or that they have discretion in whether or
 14 not it needs to be done?
 15 ATTORNEY CANNAVINO: Objection to form.
 16 Q In your opinion.
 17 ATTORNEY CANNAVINO: Same objection.
 18 A In the hypothetical situation, here again
 19 not giving legal interpretation, it says "should"
 20 saying that's what you should do.
 21 Q Okay. The way it's written it says,
 22 "Should probably gather students, those in the
 23 immediate vicinity, and escort them into a classroom
 24 or securable room." The way that's written, would
 25 you interpret it to mean that a classroom is a

Page 84

1 room. A securable room could mean something else,
 2 could be a closet, restroom or something else. I
 3 don't want to go too broadly into --
 4 Q Let's go on. "Faculty restroom or other
 5 areas" in parentheses after "securable room." I'm
 6 assuming those things in parentheses are meant to be
 7 securable room, right, based on the sentence?
 8 ATTORNEY CANNAVINO: Objection.
 9 A Based on the sentence structure, it was
 10 being referred to as an example of a securable room.
 11 Q Then it's underlined that says, "Can be
 12 locked and secured from the inside." Given that
 13 underlined information right there, would a
 14 classroom be a securable room, since it had no
 15 inside lock?
 16 ATTORNEY CANNAVINO: Objection to form.
 17 Q I'm trying to make sense out of these
 18 security guidelines with the security expert who
 19 deals in security guidelines.
 20 A The language in that particular line is
 21 not the clearest in terms of that. If your
 22 situation is that the classroom can't be locked and
 23 then the next line says "that can be locked and
 24 secured from the inside," then the two are not the
 25 same.

21 (Pages 81 to 84)

Sanders, Gale & Russell
 (203) 624-4157

A-531

Page 85

1 Q The classroom wouldn't be a securable
2 room, correct, under the definition because it's
3 saying it has to be a room that can be locked and
4 secured from the inside?
5 ATTORNEY CANNAVINO: Objection.
6 A If you're assuming that classroom is what
7 they intended to mean by securable room.
8 Q Says "Classroom or securable room."
9 A Because if you read that, based on how
10 it's written, it's "classroom or." It could mean
11 either/or.
12 Q That would mean a classroom -- looking at
13 that part of the sentence up to that point, would
14 you determine that a classroom is not necessarily a
15 securable room because it can't be locked from the
16 inside and there's an "or" modifying it between
17 classroom and securable room?
18 ATTORNEY CANNAVINO: Objection.
19 A May or may not be. I would say it's a
20 very confusing sentence.
21 Q Let's go on. Let's see if it gets any
22 clearer. "If your classroom is directly near a
23 student restroom, enter the restroom and take any
24 students with you to your classroom or securable
25 room." Does it make it any clearer?

Page 86

1 A No. They're still doing "classroom or
2 securable room."
3 Q "All unassigned staff members should
4 expeditiously find a classroom or other securable
5 location." Now it changes the modifier to
6 "classroom or other securable location." So I'd ask
7 again, Does that make it any clearer as to whether
8 or not a classroom is considered a securable room
9 for these guidelines?
10 ATTORNEY CANNAVINO: Objection.
11 A Same answer. Not necessarily.
12 Q Can you tell?
13 A I can't tell what the intent would be.
14 Q Again, your company, you review these for
15 a living, correct?
16 A Correct.
17 Q Okay. All -- Oh, I already did all
18 unassigned staff members. "Classroom or other
19 securable location to remain in throughout the
20 duration of the lockdown," right?
21 A Yes.
22 Q So it said that they -- it said, "If your
23 classroom is directly next to a restroom enter,"
24 then it says "should expeditiously find a classroom
25 or other securable location." Right? Said should

Page 87

1 Said they "should go find a classroom or other
2 securable location," right?
3 A Correct.
4 Q Okay. "To remain in throughout the
5 duration of the lockdown." Then the next sentence
6 says "The only" -- and only is bold and underlined.
7 "Staff support staff member permitted in the hallway
8 or another non-securable location is the school
9 resource officer" which is underlined "and/or
10 members of law enforcement" which is underlined, and
11 then in parenthesis it gives an example of Newtown
12 police department, Connecticut state police. "All
13 other staff members, including school security
14 officers, administrators, and custodians shall
15 remain in a secure location throughout the duration
16 of the lockdown." Correct?
17 A Correct.
18 Q So they should expeditiously find a
19 classroom but they shall remain in a classroom or
20 securable location, but they shall remain inside of
21 it. Correct?
22 A That's how it's written.
23 Q Okay. Then the next portion says, "Once
24 inside a securable location, staff shall complete
25 one or more of the following tasks." So in your

Page 88

1 opinion that means they have the discretion to do
2 just one of these and more or how do you take that
3 to mean?
4 ATTORNEY CANNAVINO: Objection.
5 A I take this to mean that they have the
6 discretion. Emergency guidelines are discretionary.
7 What I interpreted the previous section to mean is
8 that somebody needs to clear the student restrooms,
9 to make sure the kids aren't left there unattended,
10 and take them somewhere. Then out of this it's
11 saying, "Once inside a securable location staff
12 shall complete one or more of the following tasks."
13 One or more, if they apply could be any item 1
14 through 9 from closing and locking the door to
15 maintaining silence and stopping teaching and the
16 other things that are listed.
17 Q Let me ask you this. The part where it
18 says "The only" with bold underline "support staff
19 members permitted in the hallway and other
20 non-securable area." And then lists the school
21 resource area and the law enforcement. Would you
22 say that there's discretion that you could hang out
23 in the hallways or would you say it's a directive
24 that you cannot be in the hallways while there's a
25 lockdown?

22 (Pages 85 to 88)

Sanders, Gale & Russell
(203) 624-4157

A-532

A-533

1 ATTORNEY CANNAVINO: Objection to the
2 form.

3 A I would say it says no one should be in
4 the hallway.

5 Q That's what I'm saying. Is that something
6 that they have discretion, that they can go hang out
7 in the hallway if he want?

8 ATTORNEY CANNAVINO: Objection.

9 A It says the only staff should be there.
10 Seems like they're giving specific instruction.

11 Q Actually uses the word shall. Here it
12 says they shall remain --

13 A We're going to the next line. Okay. I'm
14 sorry. "All other staff members, including security
15 officers, administration, and custodians shall
16 remain in a secure location throughout the duration
17 of the lockdown."

18 Q Would you say that they have discretion as
19 to whether or not they are allowed to come out
20 during the lockdown?

21 ATTORNEY CANNAVINO: Same objection.

22 Q School administrators and staff members?

23 ATTORNEY CANNAVINO: Same objection.

24 A As written, it says that they should stay
25 in there.

1 Q It says that they shall stay in there,
2 right?

3 ATTORNEY CANNAVINO: Same objection.

4 A It reads they shall stay in there.

5 Q It says they should go find it but that
6 they shall stay in it. Right?

7 A That's how it reads, correct.

8 Q You may not understand the legal
9 significance of this but believe me. So then the
10 next sentence is "Staff members assigned to the
11 cafeteria during a lockdown shall perform the
12 following tasks" and then it says, "In addition to
13 those mentioned above." Now, do you take that to
14 mean that the cafeteria has to do all of the things
15 that were mentioned above?

16 ATTORNEY CANNAVINO: Same objection.

17 A I read it as saying, in addition to those
18 above. And up above it says they shall complete one
19 or more of the following.

20 Q So you would read this as the cafeteria
21 people only have to complete one or more of the
22 following and then they have to do these additional
23 three?

24 ATTORNEY CANNAVINO: Same objection.

25 Q 'Cause it says that they shall perform the

1 following tasks in addition to those mentioned
2 above, then it lists three more things.

3 A Correct. "Use a megaphone to announce the
4 lockdown. Move student occupants into the kitchen
5 area, if possible. If unable to move students,
6 gather all occupants along the wall of the cafeteria
7 furthest away from the largest windows." Those are
8 the ones that list the cafeteria. And then it says,
9 "In addition to those mentioned above, which
10 includes you had one or more of the following."

11 Q Right. So they had have to do one or more
12 of the following, then these three under here under
13 the way this is written. Right? Because it says
14 they shall perform those.

15 ATTORNEY CANNAVINO: Objection to form.

16 A If possible.

17 Q If possible, right. Okay. Then last,
18 before we get to the warning about failing to comply
19 with these rules is, "Staff members assigned holding
20 outdoor students activities -- gym class, art, et
21 cetera -- at the time that a lockdown order is given
22 should not attempt to bring students inside." So
23 they're telling them they shouldn't try to bring
24 students inside if a lockdown is given, right?

25 ATTORNEY CANNAVINO: Objection.

1 A Correct. That's how it's written.

2 Q "Staff members should predesignate an
3 outdoor location away from the main school building
4 that can sufficiently afford students concealment
5 and cover." Right?

6 A That's what it says, correct.

7 Q Then comes the bold underlined part about
8 "Failing to comply with the rules can ultimate
9 jeopardize the safety of all persons inside the
10 classroom" and all that stuff. Right?

11 A Correct.

12 Q Then we go over to code blue guidelines.
13 There's gonna be some subtle changes here. I want
14 you to pay attention to the difference between the
15 word shall and should. In your mind I want you to
16 think of the word shall to mean you have to and the
17 word should to mean you have discretion.

18 ATTORNEY CANNAVINO: I'm gonna object to
19 that. I think the witness can testify as to
20 his understanding of the meaning of words
21 without specific interpretations being given to
22 him.

23 Q Okay. We'll go through it. "Upon
24 notification or personal observation that an
25 imminent emergency situation exists," -- and that's

Page 93

1 in bold underline, correct?

2 A Correct.

3 Q -- "it may become necessary for school
4 administration to commence a, quote, lockdown code
5 blue." Right?

6 A That's what it says.

7 Q "Generally that order will be announced
8 over the school's public address system and be
9 issued in the following manner, quote, May I have
10 your attention please, blank school is now in
11 lockdown - code blue." Correct?

12 A That's how it reads.

13 Q Reads almost identical to the first one
14 except it's just got Code Blue added to it?

15 A I haven't compared it word for word but it
16 appears to be.

17 Q "Upon notification or personal
18 observation" -- it's just adding the imminent
19 situation is existing in the building on this one?

20 A It has that. Looks like this is a
21 combined --

22 Q Right. But this one is for -- this code
23 blue one is for when the threat is in the building?

24 A Correct.

25 Q All right. So it says after that,

Page 95

1 A Says, "Generally this order will be
2 announced over the school's PA address system and
3 will be addressed in the following manner, 'May I
4 have your attention please, blank school is now in
5 the lockdown.' Depending on the circumstances
6 however the lockdown may also be issued by
7 telephone, two-way radio, or by word of mouth."

8 Q Right. And it also starts out with "Upon
9 notification or personal observation that an
10 imminent threat emergency exists," right?

11 A Correct.

12 Q What I'm asking is, is the only way to put
13 the school in lockdown code blue by giving a
14 loudspeaker address, from your interpretation of
15 this?

16 A No. From my interpretation on this it
17 says depending on the circumstance it may be issued
18 by telephone, two-way radio, or word of mouth. I
19 think that that's the key thing here is depending on
20 the circumstance.

21 Q How about personal observation? Do you
22 think December 14th, 2012 anyone by their own
23 volition and observation locked down their
24 classroom? Are you aware of anyone who locked down
25 their classroom by their own volition?

Page 94

1 "Depending on circumstances however the lockdown
2 order may also be issued by telephone, two-way
3 radio, and/or word of mouth," correct?

4 A Correct.

5 Q So it doesn't have to be given over the PA
6 according to this, right?

7 ATTORNEY CANNAVINO: Objection.

8 A That's what it says, depending on the
9 circumstances.

10 Q I'm saying, according to this it doesn't
11 say it has to be given over the PA, right?

12 ATTORNEY CANNAVINO: Objection.

13 ATTORNEY JANOSOV: What's the objection?

14 I'm asking him what this says.

15 ATTORNEY CANNAVINO: You're asking him to
16 adopt your interpretation of what that means.

17 ATTORNEY JANASOV: I'm just asking him.

18 Q Does this say that it has to be given over
19 the PA in your opinion? You go through these for
20 your living.

21 A I don't read them in a shall and to this
22 level that you are asking me to do it, from a legal
23 interpretation.

24 Q I'm asking, Does this say you have to give
25 it over the loudspeaker, that that's the only way?

Page 96

1 A Based on my understanding is that the rest
2 of the building was in the process of locking as
3 this was unfolding.

4 Q Did the principal ever call a lockdown
5 over the loudspeaker?

6 A The affidavit states that there was no
7 lockdown called.

8 Q The principal was the first person killed,
9 wasn't she?

10 A Correct. And the intercom was open. So
11 people reacted based upon what they heard is my
12 understanding and what the custodian, Mr. Thorne
13 went around telling them to do.

14 Q The ICS commander, the principal, Mary
15 Sherlach, who is the head of the incident command
16 system of the school was the first person killed by
17 the shooter.

18 ATTORNEY CANNAVINO: Objection, you said
19 Mary not Dawn.

20 Q Sorry, Dawn Hochsprung.

21 A Dawn Hochsprung.

22 Q Mary Sherlach was also killed at the same
23 time?

24 A Dawn was killed and Mary Sherlach, who was
25 the school psychologist was killed at the same time

24 (Pages 93 to 96)

Sanders, Gale & Russell
(203) 624-4157

Page 97

1 period. Not sure which one was --
 2 Q That was almost immediately after Adam
 3 Lanza entered the building, correct?
 4 A Correct.
 5 Q It was prior to the students being shot?
 6 A Correct.
 7 Q So there was never a lockdown -- the
 8 principal couldn't give a code blue over the PA,
 9 correct?
 10 A Can't give a code blue with the PA when
 11 you're dead. And that's how I think the whole issue
 12 with these as you look at them is depending upon the
 13 circumstances. These are guidelines that help guide
 14 your reactions. Every situation in crisis can't be
 15 scripted. So you have to use your best judgment and
 16 common sense in the situation at hand.
 17 Q Sure, but what I'm asking is, Did any of
 18 the classrooms that you're aware of lock down that
 19 day?
 20 A My understanding is that other classrooms
 21 did lock down.
 22 Q Richard Thorne went around by word of
 23 mouth, correct, the last way listed here, and told
 24 people to lock the doors?
 25 A Correct. That's my understanding.

Page 98

1 Q I could get the 911 but it actually
 2 supports that, correct?
 3 A That's my understanding. Those were areas
 4 on the other side of the building and elsewhere
 5 where they were able to do that. Just for clarity,
 6 I'm not saying that they did that in the immediate
 7 area where the shooting occurred.
 8 Q For the sake of time I'm gonna skip if
 9 it's not an imminent threat, soft lockdown; because
 10 it's the same language as before with the buzzer,
 11 camera and stuff. Now we're gonna go to, "Upon a
 12 lockdown code blue notification, staff should
 13 immediately gather students and, if not already,
 14 escort them inside a classroom or securable room
 15 that" now it's bold and underlined "can be locked
 16 and secured from the inside." Based on that
 17 sentence, is a classroom at Sandy Hook Elementary
 18 School a securable room?
 19 ATTORNEY CANNAVINO: Objection.
 20 Q In your opinion.
 21 ATTORNEY CANNAVINO: Same objection.
 22 A As said earlier, based on that sentence,
 23 it says "inside a classroom or securable room." A
 24 classroom could be securable, it could not be
 25 securable. It could be some other -- it could be a

Page 99

1 closet that they're referring to. It's unclear to
 2 me as to what the intent of the writer was. I read
 3 this as "or" you could have a classroom that could
 4 be securable or another securable room.
 5 Q But it does say in bold underline "Can be
 6 locked or secured from the inside," correct?
 7 A That's what it says.
 8 Q Could classrooms be locked from the
 9 inside?
 10 A Not the classrooms in the area where the
 11 incident occurred.
 12 Q Okay. "In addition to classrooms and
 13 offices, most faculty lavatory doors can be locked
 14 from the inside." So it's actually explaining
 15 places where there's inside locks, correct?
 16 A Correct. And just to clarify. When we
 17 say classrooms cannot be locked. We're talking
 18 about the entryway into the classrooms. Within that
 19 classroom, my understanding was that the restrooms
 20 within there could be locked from the inside, the
 21 place where a number of the kids were put.
 22 Q Sure. But the classroom itself could not
 23 be locked from the inside, correct?
 24 A Entryway door, correct.
 25 Q "If your classroom is," now it's

Page 100

1 underlined, "immediately adjacent to a student
 2 lavatory, you should quickly check the lavatory and
 3 escort any students found to your classroom or
 4 securable room." Same question.
 5 A Same answer.
 6 Q Any clearer?
 7 A Same answer.
 8 Q Any clearer for you?
 9 A I think the intent there is, as I said
 10 earlier, is that the idea is you don't leave kids in
 11 a bathroom if it's safe to get them out of there.
 12 Q I'm trying to get a feel under these
 13 guidelines whether taking the kids to the classroom
 14 is following the guideline or not following the
 15 guideline?
 16 ATTORNEY CANNAVINO: Objection. I don't
 17 think I understand the question.
 18 A I'm not clear either on that piece but
 19 what I am clear on is, as I've said before, the
 20 classroom -- it says "classroom or securable room."
 21 I don't know what the intent of the writer was but
 22 there could be classrooms that were securable. I'm
 23 not sure what the intent was.
 24 Q I'm gonna go down to the next one. "All
 25 unassigned staff members should expeditiously find a

25 (Pages 97 to 100)

Sanders, Gale & Russell
 (203) 624-4157

A-535

Page 101

1 classroom or other securable location" -- so now the
2 word "other securable location" is added in -- "to
3 remain throughout the duration of the lockdown."
4 Right? That's what it says, they should
5 expeditiously find a classroom or other securable
6 location to remain in throughout the duration?

7 A That's what the line says.

8 Q Then in all black bold underline, I mean
9 all caps, black, bold underline, "The only persons
10 permitted in hallways or other non-securable
11 locations inside the school building during a
12 lockdown code blue are" and now it's bold underlined
13 "law enforcement officers from the Newtown police
14 department or Connecticut state police." Correct?

15 A That's how it reads, correct.

16 Q So would you say that that sentence gives
17 teachers discretion to be out in the hallway during
18 a lockdown code blue with a threat in the building?

19 ATTORNEY CANNAVINO: Objection.

20 A In that sentence it says the only persons
21 that should be in the hallway are law enforcement
22 officers from Newtown police or Connecticut state
23 police. So that sentence says, as it's written,
24 says that the only people to be in the hallway are
25 the police.

Page 102

1 Q Okay. But it says, "All unassigned staff
2 members should find a classroom." Right?

3 A That's what it says. "Or other securable
4 location to remain throughout the duration."

5 Q Right. But then it says in bold letters,
6 "Only persons permitted in the hallways and other
7 non-securable location is law enforcement from the
8 Newtown police department or Connecticut police,"
9 correct?

10 A That's what it says.

11 Q "Staff members, including security
12 officers, administrators, and custodians must remain
13 inside a securable location for the duration of the
14 lockdown." Right?

15 A That's what it says.

16 Q So they should find the place but they
17 must remain in it, right, according to this
18 paragraph?

19 A That's the language that's used in that
20 paragraph. I mean, I think the idea, based on my 30
21 years of experience is, the message is Get out of
22 the hallway and get away from harm's way. I think
23 that's generally what we see.

24 Q I'm asking for the difference between the
25 words should and then words like shall or must and

Page 103

1 words like that. So it says that they should find a
2 classroom or securable location but then it says
3 that they must remain inside it.

4 A That's what it says. Now I know the
5 instruction, according to the affidavit that was
6 given to the staff, is to use common sense and to
7 use their own judgment based on the situation.
8 That's the usual and customary guidance that's
9 given. Again, written guidelines, while they may
10 have very specific words, as we have been going
11 through very precisely, they are just that,
12 guidelines. Guidelines are just some general
13 directions and we can't script every crisis.

14 Q Well, the Oxford dictionary defines
15 Guideline as Rule when I looked it up.

16 A I'm willing to say, based on my
17 experience, most school administrators don't look up
18 the word Guidelines in the Oxford dictionary. I
19 think the intent is -- based on my experience, it's
20 sort of like a lesson plan. A teacher has a lesson
21 plan and they enter into that instructional moment
22 in a classroom to lead the instruction in a certain
23 direction, but if education is kind of veering off
24 and it's still accomplishing it, they don't go back
25 and follow the next three steps in the plan, they

Page 104

1 try to keep that on course. That's the example that
2 we use when talking to school people regarding
3 emergency guidelines. These are guidelines. If
4 they apply, you can use the common sense. The
5 phrase that's used often is, You can't script every
6 crisis. We heard that yesterday with the Los
7 Angeles shooting with the sheriff.

8 Q Las Vegas.

9 A Las Vegas. Thank you. And in the Las
10 Vegas shooting the Sheriff Lombardo said the same
11 thing. You can't script every crisis. Here are
12 some guidelines you can use. Ultimately you have to
13 assess the situation, in this case very rapidly, as
14 you stated earlier, right by the front door and to
15 use your common sense and to use your judgment based
16 on what you're presented with.

17 Q Would you say it's common sense when
18 you're in a room secured with two parents, three
19 other staff members, you hear gunfire to go out
20 towards it?

21 A That's assuming that you know that it's
22 gunfire. We know that after the fact. What we
23 found in a number of these incidences, you hear --
24 similar to what they heard yesterday in Las Vegas,
25 people said We thought it was firecrackers. In

26 (Pages 101 to 104)

Sanders, Gale & Russell
(203) 624-4157

Page 105

1 schools oftentimes you hear when there's a gun
2 discharged you hear from students or others, We
3 thought the custodian dropped something or chairs or
4 things being moved inside.

5 Q If there's a section that shows that the
6 principal, Dawn Hochsprung, exited, saw the shooter
7 and then told people to stay put and then charged
8 the shooter, would that make sense to you?

9 ATTORNEY CANNAVINO: Objection.

10 Q Would that be a logical thing to do?

11 ATTORNEY CANNAVINO: Objection.

12 A I don't know. If it's a hypothetical.

13 Q I'm asking you hypothetically.

14 A Hypothetically. I don't recall facts
15 saying she charged the shooter. My understanding
16 was she came to see what the noise was and at that
17 point she was killed. I don't recommend that if
18 you're out that you're gonna continue charging the
19 shooter. But that doesn't seem to be consist with
20 what I understood happening here. My understanding
21 is she came out of the room to see what was going on
22 and she was shot.

23 Q Okay. If I had something that showed she
24 came out, saw the shooter, told people "Stay put"
25 and then stayed outside where the shooter is, as the

Page 107

1 to protect their kids, see if there's something.
2 They want to know what's going on in the building.
3 They are the incident commander or the captain of
4 the shift as the principal. My understanding is
5 that she came out and at that point she just
6 immediately faced it. But I read that to say she
7 saw the shooter and just didn't want anybody else
8 coming out. But obviously Mary Sherlach was already
9 behind her and Natalie Hammond was as well.

10 Q Okay. And there was remaining people from
11 the ICS team that was in classroom 9 after the
12 principal and Miss Sherlach were shot, correct?

13 A I believe it was one person, Kris Feda.

14 Q There was Kris Feda and there was Natalie
15 Hammond.

16 A Well, technically.

17 Q They were back in the classroom, right?

18 A No. My understanding from the materials
19 was that Dawn --

20 Q Not classroom, I apologize, conference
21 room?

22 A Conference room 9. Dawn came out, Mary
23 Sherlach came out, and Natalie came out behind.
24 Technically, in response to your question, the only
25 person from the incident command left in the room

Page 106

1 principal, the ICS commander, the only one to call
2 the lockdown, run the drill who is in charge of the
3 students, would it have made more sense in your
4 opinion to go back in the room or stay in the
5 hallway?

6 ATTORNEY CANNAVINO: Objection.

7 A Depends whether or not you're able to do
8 so. If someone walks out in the hallway, sees a
9 shooter and is able to utter the words before they
10 are killed to "Stay put," so that nobody else walks
11 into that, knowing that they may or may not be able
12 to turn around, if you know people are following
13 you. If that was me, I would want to say whatever I
14 could to possibly save somebody else's life.

15 Q Sure.

16 A Now how long -- interpreting just what
17 you're saying, I don't want to imply that I would
18 say she stood there for five minutes. The whole
19 incident was, what, five or six minutes?

20 Q Little over six minutes.

21 A Six minutes. This was the very first
22 part. My understanding from reading this, my
23 understanding of the case is she came out -- which
24 most principals do when you hear the noise or
25 something, go to the problem to see what's going on

Page 108

1 would be Kris Feda because Natalie Hammond was
2 already coming out.

3 Q But Natalie Hammond went back in?

4 A After she was shot in the leg and the arm
5 I believe it was. Then she crawled back in or went
6 back into the room. So at a subsequent point but
7 not at the initial time. At the initial time that
8 the three were the hallway, the only person that was
9 on the incident command still in there was Kris
10 Feda. Once Natalie Hammond -- if I'm answering you
11 properly, once Natalie Hammond went back in, then
12 there were two people in there.

13 Q Right. And at that point, according to
14 the 911, it was the parent that called 911 and
15 accidentally, according to the Sedensky report, turned
16 on the PA system. Correct?

17 ATTORNEY CANNAVINO: Objection.

18 Q It wasn't anyone from the ICS, right?

19 ATTORNEY CANNAVINO: Same objection. I
20 don't think the Sedensky report says that
21 specifically. That's my only objection. I'm
22 fine with you representing what it does say but
23 I don't think it says specifically that the
24 parent --

25 ATTORNEY JANASOV: The 911 does.

27 (Pages 105 to 108)

Sanders, Gale & Russell

(203) 624-4157

A-537

Page 109

1 ATTORNEY CANNAVINO: Says parent called
 2 911. Doesn't say the parent activated the PA
 3 system.
 4 ATTORNEY JANOSOV: Sedensky says that the
 5 system was accidentally activated at the time
 6 of the call.
 7 A My understanding --
 8 ATTORNEY CANNAVINO: I feel like we're
 9 getting a little far afield. I don't think
 10 it's a big deal. The document says what it
 11 says. I just want to make sure that we're
 12 clear that I'm not agreeing with that
 13 interpretation of what it says.
 14 ATTORNEY JANOSOV: That's fine.
 15 A May I?
 16 Q Sure.
 17 A I do want to respond. My understanding
 18 is, we looked at that document that said that the
 19 parent, according to the attachment for the state
 20 police that the parent called 911. I don't recall
 21 seeing anywhere specifically attributed to who
 22 activated the PA system. My understanding is it
 23 was. But I don't recall that connection saying it
 24 was the parent or it wasn't the parent. Somehow it
 25 was activated.

Page 110

1 Q Does say it was activated by accident,
 2 correct?
 3 A Correct.
 4 Q And no one called a lockdown, correct?
 5 A Correct.
 6 Q Neither of the two members, the remaining
 7 members from the ICS team that were in classroom 9?
 8 A They were either dead or shot.
 9 Q Kris Feda wasn't wounded or shot.
 10 A No. I mean the other people were shot or
 11 dead -- let me clarify my answer then. Dawn the
 12 principal was shock and killed.
 13 Q I don't mean to cut off your answer. I'm
 14 saying, after that, when Natalie Hammond was back in
 15 the room, Kris Feda and Natalie Hammond were in the
 16 room, 911 was called by a parent, correct?
 17 A That's what the report says, correct.
 18 Q The PA was activated inadvertently,
 19 correct?
 20 A Correct.
 21 Q Neither Natalie Hammond nor Kris Feda
 22 called a lockdown, correct?
 23 A Correct. My understanding is Natalie
 24 Hammond propped herself up against the door after
 25 having been shot to hold back. And I don't know

Page 111

1 what else Kris Feda was doing at the time.
 2 Q Let's get back to this. "Once inside a
 3 securable location staff members" and now it changes
 4 from shall to "should complete the following tasks."
 5 And then lists all the tasks.
 6 A Correct. That's how it's written.
 7 Q Okay. It goes from shall do one or more
 8 to should do all of them. Right?
 9 ATTORNEY CANNAVINO: Objection.
 10 A Shall is --
 11 Q Replaced by should.
 12 A The word should is in place on page 2 --
 13 Q On code blue.
 14 A On code blue -- and not shall. Correct.
 15 Q And it also goes from "one or more" to
 16 "all of the following tasks," right?
 17 ATTORNEY CANNAVINO: Objection.
 18 A It says, "should complete the following
 19 tasks."
 20 (Whereupon, after a short recess, the
 21 testimony continued as follows:)
 22 Q Again, they just replaced shall with
 23 should. Now they're completing all the tasks
 24 instead of one or more. Right?
 25 ATTORNEY CANNAVINO: Same objection.

Page 112

1 A Says they should complete the following
 2 tasks.
 3 Q And in the old one it said shall one or
 4 more of the following tasks, right?
 5 A Correct. Correct.
 6 Q Now it's saying should instead of shall
 7 and "one or more" has been taken out. It's just
 8 saying "the following tasks," correct?
 9 A Correct.
 10 Q Okay. In your opinion what's a more
 11 forceful word, shall or should?
 12 ATTORNEY CANNAVINO: Objection.
 13 A Depends on how you interpret it. Shall
 14 and should -- depends on the person's
 15 interpretation.
 16 Q Okay. After all this, we're getting back
 17 to "The staff members assigned to the cafeteria
 18 during a lockdown code blue should" -- whereas
 19 before it had shall. Now it's been replaced with
 20 should again, correct?
 21 A Correct.
 22 Q -- "perform the following tasks in
 23 addition to those mentioned above." Basically same
 24 sentence on code blue where the threat is inside the
 25 building, except they changed shall to should,

28 (Pages 109 to 112)

Sanders, Gale & Russell
 (203) 624-4157

Page 113

1 right?
 2 A Correct.
 3 Q Then it has to use a megaphone, move
 4 occupants away from the kitchen area if possible.
 5 If unable to move students along the wall area of
 6 the cafeteria and away from exterior windows. And
 7 then it says here, "Note: Students in the cafeteria
 8 during a lockdown code blue should" -- right? Uses
 9 the word should, right here?
 10 A Says "should" then "not."
 11 Q Bold and underlined. -- "not be escorted
 12 or sent back to their classrooms." So students that
 13 are in the caf during a lockdown code blue should
 14 not be secured or sent back to their classrooms.
 15 This is when there is an active threat inside the
 16 building, right?
 17 A Correct. It says, "Students in the
 18 cafeteria during a lockdown code blue should not be
 19 escorted or sent back to their classrooms." Right.
 20 Q So it's using the word should here
 21 regarding sending them back to classroom and it
 22 doesn't even mention it in this one. There's no
 23 mention about bringing them back to the classrooms,
 24 right? Talking about outdoor activities.
 25 A Right. That particular line on page 2 is

Page 114

1 not on page 1.
 2 Q Then we get down to the outdoor
 3 activities, just like on page 1. We get to "Staff
 4 members assigned to outdoor attend activities,
 5 physical education, art, et cetera, at the time a
 6 lockdown cold blue" in bold "order is issued should
 7 not" underscored and bold on not but it still says
 8 should whereas in this one it says --
 9 A Says should also.
 10 Q It says, "should not" but it's not bold
 11 "attempt to bring students back inside the
 12 building." So when there's a threat in the
 13 building, it says that they should not attempt to
 14 bring them back inside. Right?
 15 A Correct.
 16 Q Okay.
 17 A When they're assigned to outdoor
 18 activities, they should not attempt to bring them
 19 back inside the building.
 20 Q Right. It says they should not attempt to
 21 bring them back inside when the threat is in the
 22 building?
 23 A Correct. Then the one before it also said
 24 "should not."
 25 Q Should not attempt to bring them inside

Page 115

1 when the threat is just a general threat.
 2 A Right.
 3 Q But the part that I just want to make sure
 4 is that the students in the cafeteria when the
 5 threats are in the building should not be escorted
 6 back to their classrooms. It uses the word should,
 7 right?
 8 A That's the word there, correct.
 9 Q Now, in your blog, which I have marked as
 10 H, it says, under number 10, something about
 11 "Teaching children and teachers to throw things at
 12 and to attack armed gunmen is another flawed theory
 13 put forth with greater emphasis after Sandy Hook."
 14 Where have you heard of people advocating for that?
 15 A That's actually one of the reasons, one of
 16 the multiple reasons behind that particular blog is
 17 that after the Sandy Hook incident there was the
 18 move toward, the skewed movement toward physical
 19 security. We talked before about hardware
 20 equipment, some of the products including strange
 21 things like you mentioned. The other argument that
 22 was put forth by primarily law enforcement and
 23 military people, who don't have school experience,
 24 is that the federal government has a Run-Hide-Fight
 25 model that they adopted for businesses.

Page 116

1 Q Sorry, run-hide-fight?
 2 A Run, hide, and fight. And then there's
 3 another private company that does training. It
 4 teaches students and teachers that you should throw
 5 things and attack the gunmen. The reference there
 6 was those are dangerous concepts. They don't factor
 7 in age and developmental issues, special needs kids,
 8 child-oriented settings.
 9 Q Number of students in a classroom.
 10 A Yes.
 11 Q What if you only have a four-student
 12 classroom, you have four kids throwing sneakers at a
 13 guy with a gun?
 14 A That's the argument. And that is the
 15 driving force behind trying to get that blog in
 16 December 2013 out saying a year later, We need to
 17 focus on these other more practical fundamental
 18 child-oriented things rather than the physical
 19 security, the skewed physical security to throw
 20 things and attack. Focus on doing those things,
 21 just generally speaking, with the people side, the
 22 training, the lockdowns, and those things. That's
 23 kind of taking the different pieces we have talked
 24 about, trying to put some context around it.
 25 Because we started to hear some really weird things

29 (Pages 113 to 116)

Sanders, Gale & Russell
 (203) 624-4157

A-539

Page 117

1 in the field. We still hear them today. Those who
2 have been around in the field for a while wanted to
3 say, We need to get focus back on more appropriate
4 and practical things.

5 ATTORNEY JANOSOV: I'm just gonna mark
6 these next.

7 (Whereupon, Plaintiff's Exhibit R, monthly
8 fire drills document, was marked for
9 identification.)

10 Q Okay Exhibit R is the monthly fire drills
11 for the 2012/2013 school year. There's one, two,
12 three, four pages and it actually goes backwards.
13 It goes through 2012/2013, 2011/2012, 2010/2011.
14 2009/2010. It goes through showing lockdown drills
15 and fire drills and everything else. What I'm
16 interested in -- here in the 2010 report of fire
17 drills, there's a mention of a lockdown drill. And
18 the time that it began was 10:45, right?

19 A It says "March 25th, 2010." It says,
20 "Time: 10:45. Time cleared: 10:49. Comments:
21 Lockdown drill."

22 Q So that means they cleared a lockdown
23 drill in four minutes, correct?

24 A That's the difference in the times listed,
25 correct.

Page 118

1 Q All right. So there's also a lockdown
2 drill listed up here where it shows 10:30 to 10:40,
3 right? So they did a lockdown in 10 minutes up
4 there.

5 A That's December 7th, 2009, 10:30 a.m. it
6 says "Time" and then "Time cleared: 10:40.
7 Comments: Lockdown drill."

8 Q So there's a four minute one, there's a 10
9 minute one. So they were able to complete these
10 lockdowns on the drill side -- so far the longest
11 one we've seen is 10. I think there's one more in
12 here, because they were only allowed to do so many
13 is my understanding. There's one here.

14 A There was one there in March of 2012.

15 Q I'll go back to that. December 7th, 2010,
16 we got 9:45 to 9:42. That one is seven minutes on a
17 lockdown drill. Right?

18 A Correct.

19 Q You said there was one back here in 2012.

20 A I wanted to check. March 26th, 2012 they
21 put "Drill: 9:20 to 9:30."

22 Q So another 10 minute one.

23 A Ten minutes.

24 Q So they're averaging between 4 and 10
25 minutes to complete a lockdown drill, correct?

Page 119

1 A Based on that, yes. Correct.

2 Q In the years leading up. Why do we drill
3 for things? In your experience as a school security
4 expert, why do they run these drills, what's the
5 purpose?

6 A The purpose of a drill is to get people
7 exposed to practicing situations, get them familiar
8 with it, to get them more comfortable with it in the
9 event that they need to do it and to get students
10 and staff away from harm's way.

11 Q Isn't it safe to also say, so that it
12 becomes more of a reflexive reaction in case of a
13 emergency as opposed to kind of losing your mind in
14 case of an emergency? That you drill so it becomes
15 a reflex if it happens, if God forbid the emergency
16 occurs?

17 A Depends on the person. We know people
18 respond differently to every situation, and
19 particularly the difference between a drill and a
20 real life situation because it's a whole different
21 set of conditions. So, it's to get people familiar
22 with it, to get them exposed to it, to get them to
23 think differently. And in many cases that's just to
24 get people to think on their feet, so that it's not
25 something that they encounter the first time without

Page 120

1 ever having gone through it.

2 Q Right. So the idea of drilling is to kind
3 of practice, right, that's what a drill is,
4 practice?

5 A Practice.

6 Q It seems the more they practice, they got
7 pretty good at it at Sandy Hook, correct, based on
8 this?

9 ATTORNEY CANNAVINO: Objection.

10 A Kind of hard to say that because you don't
11 know what was going on at the time. The difference
12 between 4 minutes and 10 minutes could mean you had
13 people in an assembly or in an event, so you were
14 diversifying the context of it.

15 Q Sure. But I'm saying --

16 A I wouldn't want to assume time --

17 Q They managed to lock down the whole
18 elementary school in 10 minutes or less, according
19 to these guidelines, any time they attempted it,
20 correct?

21 ATTORNEY CANNAVINO: Objection.

22 Guidelines or --

23 ATTORNEY JANASOV: Or these drill records
24 that I have here.

25 ATTORNEY CANNAVINO: That's fine.

30 (Pages 117 to 120)

Sanders, Gale & Russell
(203) 624-4157

A-540

Page 121

1 Q In your experience, in your professional
2 opinion, is that a pretty good decent time to
3 lockdown the school?

4 A Depends on the circumstances. It's
5 reasonable. There's not a definitive time that says
6 every school will be between X and Y amount of time.
7 You're gonna have to look at the student population.
8 Do you have students with special needs? Number of
9 kids. Again, you can have a small number of kids,
10 high number of kids with special needs come into
11 effect, where the staff are those times. It shows
12 that they practiced it and that they under 10
13 minutes is reasonable.

14 Q I'm saying, for a school Sandy Hook's
15 size, with elementary age children that you have
16 corral and get into the lockdown, given what we just
17 went over on the lockdown guidelines, what has to be
18 done in order for it to be a lockdown, would you
19 state that 10 minutes is a bad time?

20 A No. As I said, it's reasonable. It
21 appears to be reasonable, based on the facts that we
22 have.

23 Q Now, the policy that Janet Robinson had
24 spoken about in the quote in the Hartford Current
25 regarding locking the door and then closing it,

Page 123

1 right?

2 ATTORNEY CANNAVINO: Objection.

3 A Yes.

4 Q Assuming there's not a defect in the door,
5 something in the way blocking it, something like
6 that, assuming defect-free and obstruction-free?

7 ATTORNEY CANNAVINO: Objection. Go ahead.

8 A Hypothetically. Assuming a lot of things.
9 What the context is. If there was an actual
10 incident versus just a routine lockdown. If there
11 are additional stressors on the person. Depending
12 on all of those variables, hypothetically, just
13 generally speaking if you pull the door closed and
14 the lock works, it would -- depending on what the
15 factors are it would probably be faster than if you
16 had to go outside, turn the key, then do it.

17 Q Let's pull put all the stressors into
18 play. Let's put an actual shooter in the building
19 into play. Would it be quicker to have to go
20 outside with a key and turn the lock manually and
21 then come back inside and close the door or just
22 close the door?

23 A Assuming you could get to the door in a
24 real shooter situation and depending how an
25 individual responds, if they got to the door. We're

Page 122

1 would that expedite a lockdown in your opinion, if
2 teachers did that?

3 ATTORNEY CANNAVINO: Objection.

4 Q Would that be quicker than going out into
5 the hallway, locking the door with a key, coming
6 back around, closing it? If they locked it at the
7 beginning and then a lockdown comes over the hallway
8 and all they have to do is close the door?

9 ATTORNEY CANNAVINO: My only objection is
10 to the preface, not to actual the question. Go
11 ahead.

12 A I'm not aware of an actual policy that
13 says that. But doing that -- it varies. I don't
14 know. It could. It may not. It depends on the
15 context and the circumstances.

16 Q I'm saying, Do you think it would be
17 quicker -- that conference room door, let's say,
18 because there doesn't appear to be a lock on the
19 inside. Do you think it would be quicker right now
20 to open that door, go outside with the key, lock it,
21 then come back inside or if it was propped open and
22 already locked to just close it?

23 A It would presumably be quicker to just
24 pull the door shut if it locked properly.

25 Q That would be the reasonable response,

Page 124

1 assuming they got to the door.

2 Q They would have to get to the door in
3 order to go outside and lock it, too, right?

4 A Right.

5 Q We got to assume they get to the door in
6 both circumstances?

7 A Assuming hypothetically they get to the
8 door and the door is already set, as you described,
9 it would seem to be, generally speaking, that you
10 could pull the door closed and it would be faster
11 than if you had to put the key and take a second or
12 more to do that.

13 Q In your opinion, do you think one is a
14 better policy over the other?

15 ATTORNEY CANNAVINO: Objection.

16 A Not necessarily, because in my experience
17 with schools the issue comes down to what's
18 reasonable. We're dealing with child-oriented
19 settings. What I've heard back from teachers over
20 30 years is that many of them prefer to leave their
21 classroom doors open. They prefer not to lock them,
22 because if they send kids out to the office on
23 errands, to the restroom, if a kid closes the door,
24 then they have to be disrupted to stop their
25 instruction to either go personally open it or have

31 (Pages 121 to 124)

Sanders, Gale & Russell
(203) 624-4157

A-541

Page 125

1 the children do it.

2 Q I'm just talking in terms of safety.
3 You're a safety expert. I'm not talking about
4 what's easiest for the teacher to teach the kids.
5 I'm saying in terms of school safety, which seems to
6 be a better protocol, to have to go out in the
7 hallway and lock the door with a key or lock it when
8 you get there and just have to close the door?

9 ATTORNEY CANNAVINO: Same objection.

10 Q Do you have an opinion one way or the
11 other?

12 A My opinion, we're talking a child-oriented
13 setting. We're not talking about a law firm office,
14 we're not talking about other places. Safety is
15 balanced out with the educational mission, which is
16 a primary mission of the school. Safety is
17 important, obviously. No one is disputing that.
18 I'm not saying that and most educators won't. But
19 the key is, based on the likelihood of a threat, the
20 type of threat, the context in which you're working,
21 that you're working with elementary children. We
22 factor that in. It's not just a clearcut issue.
23 Principals struggle with trying to keep a balance,
24 being reasonable in terms of taking steps to reduce
25 the risk, being prepared to respond to those things

Page 127

1 A If you're ruling out all the other
2 contexts and the fact that you're in a
3 child-oriented setting and you're not including how
4 schools function on a day-to-day basis, the
5 teacher's preference as to how he or she refers to
6 rule it and all the other variables that are
7 primarily concerned with educators and
8 administrators. Strictly speaking, without any
9 context, if you closed the door and it's already
10 locked, then it's faster. But, again, these are
11 child-oriented settings. I've had classroom
12 teachers consistently tell me over the years that
13 it's more of a disruption on a day-to-day basis in
14 most schools, which will never have a Sandy Hook or
15 never have any high profile incidents like this,
16 that they balance that out. And it's their
17 preference to leave that open. So, I think saying
18 that it's not just a clearcut yes or no. You have
19 to look at the context and the instructional
20 implications and what they work with in their
21 classroom.

22 Q Didn't we just kind of learn in Las Vegas
23 last night or two nights ago that you can't really
24 say that there's no school that's never gonna have
25 this incident. I think there's been something like

Page 126

1 that they can't prevent, and to still balance it out
2 with day-to-day instruction for an incident that is
3 likely to never occur, or has never occurred in the
4 past.

5 Q Sure. I'm asking you, as someone whose
6 primary job has been for the last how many, what,
7 20, 30 years has been school safety expertise,
8 correct?

9 A Correct.

10 Q And you have been consulting on school
11 safety policies and plans and procedures for
12 everyone for people in Cleveland and in Ohio and
13 you've testified in cases and everything else. I'm
14 just asking you, is it really that big of an
15 impediment on the educational environment to have
16 the door open but locked, so that if, God forbid,
17 something comes across the loudspeaker all the
18 teacher has to do is get to the open door and close
19 it and everybody is locked in as opposed to have to
20 go outside with a key, get the key, find it, go
21 outside, close the door, lock it, come back inside
22 with the key and close the door behind them? Is it
23 really your opinion that one isn't a better
24 procedure than the other?

25 ATTORNEY CANNAVINO: Objection. Go ahead.

Page 128

1 1,500 school shootings since Sandy Hook is the
2 number?

3 A There's some disputes on how many numbers.
4 There are some special interest groups that have
5 thrown out some numbers that have come into large
6 question.

7 Q But I mean there have been over a hundred
8 school shootings since Sandy Hook, correct?

9 A I don't know what the exact number is. I
10 know that some of these numbers are in question.
11 There's no national database that's actually
12 tracking school shootings, so we don't know.

13 Q I'm saying you can't guarantee that any
14 particular school is gonna be a victim of a school
15 shooting or isn't gonna be a victim of a school
16 shooting, correct?

17 A Nobody can guarantee that anywhere. There
18 hasn't been another Sandy Hook, fortunately. There
19 wasn't a Sandy Hook prior to Sandy Hook in that
20 context.

21 Q Well, there was another elementary school
22 shooting in California where the gentleman went
23 through the office to his girlfriend's classroom,
24 shot her and inadvertently shot an elementary school
25 student in California since Sandy Hook, correct?

32 (Pages 125 to 128)

Sanders, Gale & Russell
(203) 624-4157

Page 129

1 A Actually, it was his estranged wife.
 2 Q But there was an elementary school student
 3 shot?
 4 A Correct. Not 20 but a child shot.
 5 Q One died, one went to the hospital.
 6 A Correct. And the shooter and his wife,
 7 which was a domestic situation not a mass shooting.
 8 Not to minimize it. Obviously, one life is lost. I
 9 don't want to suggest that. But I'm saying when you
 10 look at the magnitude, Sandy Hook was an
 11 unprecedented event.
 12 Q We hope.
 13 A We hope. Well, it was unprecedented up to
 14 that point. And we hope we won't have another.
 15 Q Columbine was unprecedented until
 16 Columbine, correct?
 17 A Correct.
 18 Q And last night Las Vegas, 151 whatever it
 19 is at that point was unprecedented until that
 20 happened, too, right?
 21 A That's the struggle that you get in a
 22 safety context, particularly in school settings.
 23 Schools are community centers. Principals want to
 24 have parents involved. They use them for
 25 after-school activities. They have children --

Page 130

1 dealing with children. Military facilities,
 2 defense. The White House is locked down. Even we
 3 know that the White House has been breached with
 4 somebody who got over the fence a couple years ago
 5 and into the front door.
 6 Q It was actually a woman from Connecticut
 7 who drove her car into the fence, if you recall?
 8 A I remember one of those, two. There was
 9 another one --
 10 Q Got killed by the police.
 11 A -- actually got over the fence and into
 12 the front door. So to answer the question, of
 13 course we can't guarantee security a hundred percent
 14 anywhere. If we did, we wouldn't be sitting here
 15 today. The question is what's reasonable and what
 16 balances out in a context of child-oriented
 17 settings, kids were special needs, community
 18 involvement. That's what I'm trying to capture.
 19 That's what the principal struggles with. What
 20 principles don't want, as they frequently say, is a
 21 prison or fortress-like mental. They want to take
 22 steps to reduce the risk and to prevent an incident
 23 and to try to be reasonable, which I think they had
 24 a number of things in place to make it reasonable.
 25 Q Is asking the teachers to have the door

Page 131

1 locked but propped open during the day a prison-like
 2 environment in your opinion? If the doors are
 3 propped open for the entirety of the day with a door
 4 stop but they're locked for when they get closed, is
 5 that a prison-like environment in your opinion?
 6 A I haven't been in a prison. I assume
 7 that's something they don't do, they keep it locked.
 8 Q If Robinson's policy was in place at that
 9 time and the substitute teacher did not have a key,
 10 she wouldn't have been able to lock the door when
 11 she got there, correct?
 12 ATTORNEY CANNAVINO: Objection, form.
 13 A Sorry, say it again.
 14 Q If that policy was in place and the
 15 substitute didn't have access to a key, she wouldn't
 16 be able to lock the door, right, because you need a
 17 key to lock the door?
 18 ATTORNEY CANNAVINO: Objection to form.
 19 A If there had been a policy. She used the
 20 word policy but I haven't seen the actual policy
 21 with that, number one. Number two, you're saying if
 22 she didn't have a key, she wouldn't have been able
 23 to set it in a locked position to do that. Well,
 24 unless she had a neighboring teacher do it for her,
 25 which, hypothetically if she didn't have a key and

Page 132

1 she said to the neighbor if that key fit, "Could you
 2 lock the door?"
 3 Q We don't know if the keys were universal
 4 in Sandy Hook, do we?
 5 A Don't know.
 6 Q Again, this father's concern about his
 7 daughter having a key possibly being the difference
 8 between her life and death, there's really no answer
 9 one way or another whether or not that substitute
 10 had a key that day, is there, that you're aware of?
 11 ATTORNEY CANNAVINO: Objection.
 12 A Not to my knowledge. I mean I certainly
 13 understand the father's concern for their --
 14 anybody's concern for the loss of anybody. I mean,
 15 when you're in that situation, I wouldn't want to
 16 see anybody in that. But I'm sure you're looking
 17 for answers, you're looking for some glimmer of hope
 18 or something to say could it have been prevented. I
 19 don't want to minimize the father's concern. I also
 20 can't say, based on a two-page news story or the
 21 things that we've talked about whether it would have
 22 made a difference or not.
 23 Q I'm asking a hypothetical. If the doors
 24 were locked and propped open and someone like Kris
 25 Feda, after hearing Miss Hochsprung and

33 (Pages 129 to 132)

Sanders, Gale & Russell
 (203) 624-4157

A-543

Page 133

1 Miss Sherlach killed, had called for a lockdown over
2 the intercom, they would have been able to pull the
3 doors closed, correct?

4 ATTORNEY CANNAVINO: Objection.

5 A You don't know. I mean people react
6 differently to stress.

7 Q I'm saying, if they drilled on it and that
8 was the way they drilled was to pull the doors
9 locked, that's what they did, there's a chance,
10 correct?

11 A There's a chance. There's no guarantee
12 because people respond differently. I've heard of
13 situations where administrators have said that
14 teachers have -- actually because of their personal
15 past experience to violence when they've had to call
16 a lockdown those teachers have curled up and kind of
17 been immobilized just due to the emotional aspect
18 and trauma that they have brought. What I'm saying
19 could be. But I can't say sitting in this chair, I
20 can't guarantee how anybody would react, depending
21 how fast things were moving, like they were here,
22 how people respond emotionally, how they think.
23 There's no guarantee. We know that practice as we
24 discussed helps us get better.

25 Q Having a drill might reveal a teacher that

Page 134

1 had some sort of aversion to stressful situations
2 like that, correct?

3 A May or may not. Depending on how
4 realistic it is. And one of the challenges -- to
5 get back what we talked with earlier about how
6 realistic do you do these drills and we're throwing
7 in attack things. A lot of psychologists who argue,
8 I personally agree, you reach a line with these
9 drills of not crossing over where you're doing more
10 harm. As the psychologists say, Do know harm.

11 Q You don't want them coming in with paint
12 guns.

13 A Unfortunately there have been some really
14 ridiculous cases like that. Even some reports with
15 the case with throw things and attack the gunmen,
16 teachers have been injured just in the training
17 alone. In one state they reportedly had hundreds of
18 thousands of dollars of Worker's Comp. claims just
19 from the injuries.

20 Q From training?

21 A Training to attack the gunmen, training
22 their staff.

23 Q So they're having their staff attack their
24 staff?

25 A Or a police officer or something. It's

Page 135

1 absurd. That comes back around to why we say we try
2 to strike a balance. Is it reasonable, based on
3 usual and customary practices and then looking at
4 the things they had in place I felt, it's my opinion
5 that they had a number of things in place that were
6 reasonable and balanced to do that.

7 Q In your opinion is there anything more
8 that could have been done on that day to have
9 prevented the loss of life?

10 ATTORNEY CANNAVINO: Objection.

11 A In the school setting, no.

12 Q No, you don't think there was anything
13 more that could have been done previously that could
14 have prevented Adam Lanza from walking into two
15 unlocked classrooms?

16 A I think that they took reasonable steps
17 and given the circumstances that they did the best
18 they could do. It's an unprecedented event. I
19 don't feel that anybody ever expected.

20 Q I understand that it was unexpected.

21 A I don't feel anybody expected at that
22 magnitude. At the elementary level, our experience
23 has been typically noncustodial parent issues,
24 issues that are handled at the front door and
25 managed and then more internal things, like bullying

Page 136

1 and stuff.

2 Q Would you agree with the statement that at
3 the time that an administrator or a teacher had
4 knowledge that there was a shooter in the building
5 that they had reason to know that the children were
6 in danger?

7 A If somebody knows that there's a shooter
8 in the building would they have reason to know
9 someone is in danger? Certainly.

10 Q That the children were in danger?

11 A Certainly.

12 Q And that failing to act in accordance with
13 some of these guidelines might further endanger the
14 children, as it says on the guidelines?

15 ATTORNEY CANNAVINO: Objection.

16 A If a situation unfolds like unfolded
17 there, I'm not sure how many of the guidelines
18 anyone is thinking when it goes that quickly.
19 They're trying to do the most reasonable common
20 sense judgmental things that they can do at the
21 time. They're not gonna have time to go pull out a
22 sheet and go verbatim on every step.

23 Q I understand. But I'm saying, based on
24 what the guidelines say, when someone sees a shooter
25 enter the building it would be reasonable that they

34 (Pages 133 to 136)

Sanders, Gale & Russell

(203) 624-4157

A-544

Page 137

1 would then know that the children and the staff are
2 in potential harm, correct?

3 A Sure.

4 Q And that they've practiced guidelines and
5 drills on locking down the school in the case of
6 this happening. Wouldn't it be reasonable that at
7 that point they would take some step?

8 A Sure. And I think they're gonna take the
9 step that's reasonable and using their judgment,
10 which Dawn encouraged them to do in the training,
11 according to the testimony we read, based on what's
12 presenting them at the time. If they walk out the
13 door and they have been shot in the foot, you may
14 not be able to crawl -- your best judgment -- the
15 aide in kindergarten classroom.

16 Q She managed to back in and get the door
17 locked?

18 A She managed to get back in but she was
19 also a little bit down the road. Obviously the
20 greater distance you are. I mean proximity is gonna
21 make a difference here which is why it's an issue in
22 this area because it was so close and so fast.

23 Q I'm still curious as to where you got the
24 information for your blog that he had passed a
25 classroom. Even when we look at the map of him

Page 139

1 A "Staff and students hid in the class
2 restrooms, locking the restroom doors from the
3 inside."

4 ATTORNEY CANNAVINO: You said classrooms
5 the first time.

6 THE WITNESS: Okay. Sorry.

7 A Let me just be clear. I'm gonna re-quote
8 it one more time, correctly. "Staff and students
9 hid in the class restrooms, locking the restroom
10 doors from the inside."

11 Q Right. So they were locking not the
12 classroom doors, the restrooms within the classroom?

13 A Correct. I misspoke. I'm glad you caught
14 that. I was a little too focused on shall and
15 should.

16 ATTORNEY JANASOV: The last thing I'm
17 gonna be marking for this unfortunately is the
18 heaviest is the Sandy Hook Commission reports.
19 (Whereupon, Plaintiff's Exhibit S, Sandy
20 Hook Commission report, was marked for
21 identification.)

22 Q You said you had a chance to look at this,
23 the Sandy Hook Commission report?

24 A Around the time that it came out, yes. I
25 haven't revisited it.

Page 138

1 entering, the only classroom that he could have gone
2 by before shooting would have been classroom 12. So
3 is it in your blog, the classroom that he passed,
4 are you claiming he walked past classroom 12, that
5 they had locked down and they had paper in their
6 window, that that's the classroom that had paper in
7 the window?

8 A I think it's actually in the state's
9 attorney's report that mentioned that 12 and 6 were
10 secured. Do you have the state's attorney's report?
11 I can glance back at it real quickly here.

12 Q I definitely have it. The question is can
13 I find it. Here you go.

14 A Thank you. I will try to make this quick.
15 On page 10, last paragraph in the state's attorney's
16 report, Exhibit J, it says, "The two classrooms on
17 either side of 8 and 10 were numbered 6 and 12"
18 Classroom 6 was on the eastern side of classroom 8
19 and classroom 12 was on the western side of
20 classroom 10. Staff and students hid in the
21 classrooms, locking the restroom doors from the
22 inside."

23 ATTORNEY CANNAVINO: Sorry, I believe you
24 just misread the last sentence. Can you do
25 that again?

Page 140

1 Q There's just one section in here. I
2 actually read the whole thing, which was incredibly
3 painful. Okay. I'm gonna ask you, it's page 32 and
4 page 33. It's the beginning of the Sandy Hook
5 recommendations. Recommendation one, can you just
6 read what it says?

7 A Okay. It's page 32 under Section 3
8 Recommendations. "Recommendation number 1. The
9 SSIC report includes a standard requiring classroom
10 and other safe haven areas to have doors that can be
11 locked from the inside. The Commission cannot
12 emphasize enough the importance of this
13 recommendation. The testimony and other evidence
14 presented to the Commission reveals that there has
15 never been an event in which an active shooter
16 breached a locked classroom door. Accordingly, the
17 Commission reiterates its recommendation that all
18 classrooms in K-12 schools should be" next page
19 "equipped with locked doors that can be locked from
20 the inside by the classroom teacher or substitute."
21 End of the recommendation.

22 Q Do you agree with that recommendation --

23 ATTORNEY CANNAVINO: Objection.

24 Q -- in your professional capacity?

25 ATTORNEY CANNAVINO: Same objection.

35 (Pages 137 to 140)

Sanders, Gale & Russell

(203) 624-4157

Page 141

1 A No. Not necessarily, I don't.
 2 Q You don't agree?
 3 A That every school should have a door that
 4 locks from the inside? There are many different
 5 locking type of hardware and locking mechanisms.
 6 Q Hold on, because I'm gonna have you read
 7 one more thing. I just have a follow-up. What's
 8 the harm in having a door that locks from the
 9 inside; what's the down side?
 10 A The down side of having a classroom that
 11 locks from the inside, could be if a teacher is
 12 locked out, if kids lock themselves in. If a kid is
 13 able to get in and lock that.
 14 Q Teacher would have a key though, right?
 15 A If they have the key on them. If they
 16 step out of the classroom and the door is closed and
 17 the kids somehow pull it closed behind them and lock
 18 them out.
 19 Q Aside from a teacher who walks out without
 20 a key and locks themselves out of a classroom, is
 21 there any other down side to having an inside lock,
 22 aside from a teacher that would have to be pretty --
 23 A It would depend on defining. It says the
 24 doors can be locked from the inside. Does that mean
 25 locked with a key? Does that mean just locked by a

Page 142

1 flick of the switch. I don't know. Because there
 2 are situations where after school you've had access
 3 to school where kids have gotten access to areas and
 4 gone into isolated areas and there have been sexual
 5 assaults.
 6 Q You can sue the school over that, too.
 7 A It's been done.
 8 Q I know.
 9 A So, again, I think just a broad statement,
 10 I wouldn't generally accept that.
 11 Q Can you read recommendation number 3?
 12 A This is page 33, "Recommendation number 3.
 13 A feasibility study should be conducted to develop
 14 additional safety standards concerning the issuance
 15 of classroom keys to substitute teachers. The
 16 Commission makes this recommendation due to the
 17 absence of standardized school district policies
 18 regarding the issuance of classroom keys to
 19 substitute teachers. Testimony provided to the
 20 Commission confirms that the lack of such policies
 21 remains a national problem, even after the Sandy
 22 Hook tragedy. The Commission recommends the
 23 development of realistic, manageable, and secure
 24 approach to key access and control, to insure that
 25 all teachers charged with the well being of students

Page 143

1 can lock their assigned classroom doors but also to
 2 address the overall need for maintaining strict
 3 building security requirements. The management of
 4 classroom access control should be determined not
 5 only through the lens of new locking hardware but
 6 also by examining the control and issuance of keys
 7 within all K through 12 schools. Logistics behind
 8 the monitor, control, and record keeping of
 9 classroom keys will be instrumental for improving
 10 school security plans moving forward."
 11 Q Do you agree with that recommendation?
 12 A Let me re-read it one more time now that
 13 I've focused one getting it in the record
 14 accurately.
 15 ATTORNEY CANNAVINO: Sorry, Devin I think
 16 I missed the question. Was it, Do you agree
 17 with the recommendation number 3, the
 18 feasibility study?
 19 ATTORNEY JANOSOV: Same question I asked
 20 before about doing a feasibility study and
 21 making sure subs have access to keys.
 22 ATTORNEY CANNAVINO: Okay. I just wanted
 23 to be sure. Go ahead.
 24 A I have no objection to a feasibility
 25 study. I would certainly be interested in seeing

Page 144

1 how they actually recommend implementation of it as
 2 a result of that study.
 3 Q Do you agree that subs should have access
 4 to keys?
 5 A Yes. Giving the substitute teacher a key
 6 for the day that they are substituting is
 7 reasonable, as was done, was the practice according
 8 to the affidavits and documents at Sandy Hook.
 9 ATTORNEY JANASOV: I will be honest, at
 10 this point I don't have any further questions.
 11 I don't know that there's any more of my
 12 exhibits lying around here.
 13 THE WITNESS: I can assure you that
 14 within this half a box there are not.
 15 ATTORNEY JANOSOV: I can probably say that
 16 is a safe response.
 17 ATTORNEY CANNAVINO: You're all set?
 18 ATTORNEY JANOSOV: Yes.
 19 ATTORNEY CANNAVINO: I have no questions.

(End time 4:45 p.m.)

36 (Pages 141 to 144)

Sanders, Gale & Russell
 (203) 624-4157

A. 546

Page 145

I, Kenneth Trump, have read the foregoing transcript of the testimony given at my deposition on October 4th, 2017 and it is true and accurate to the best of my knowledge and belief as originally transcribed and/or with the changes as noted on the attached correction sheet.

KENNETH TRUMP

Subscribed and sworn to before me
this _____ day of _____, 2017.

Notary Public

My commission expires : _____

CERTIFICATE

I hereby certify that I am a Notary Public, in and for the State of Connecticut, duly commissioned and qualified to administer oaths. I further certify that the deponent named in the foregoing deposition was by me duly sworn and thereupon testified as appears in the foregoing deposition; that said deposition was taken by me stenographically in the presence of counsel and reduced to print under my direction, and the foregoing is a true and accurate transcript of the testimony.

I further certify that I am neither of counsel nor related to either of the parties to said suit, nor am I interested in the outcome of said cause.

Shelley Ann Keyes
NOTARY PUBLIC

SHELLEY ANN KEYES L.S.R. #103

My Commission Expires: September 30, 2021



Page 146

EXHIBITS

Plaintiff	Description	Page
A	Notice	7
B	Expert disclosure	7
C	E-mail 8-13-09	21
D	E-mail 8-27-12	24
E	E-mail 1-14-09	27
F	Map	28
G	12 Sections doc	28
H	10 Lessons	35
I	CT state police doc.	44
J	State's attorney's report	46
K	Exhibits report	50
L	Feda affidavit	50
M	Hammond affidavit	50
N	Photos, 4 pgs.	53
O	Pampano affidavit	59
P	Media article	60
Q	Hartford Current 2-1-13	67
R	Fire drills report	117
S	Commission report	139

(Exhibit retained by Attorney Janosov.)

37 (Pages 145 to 147)

Sanders, Gale & Russell

(203) 624-4157

A547

EXHIBIT O

A.548

Connecticut State Police-Western District Major Crime Squad



Black=Newtown "911" Calls

Purple=CSP Centralized Dispatch "911" Calls

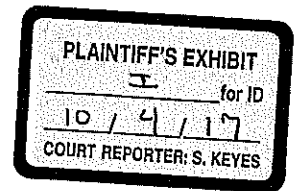
Blue=Newtown PD Dash Cams (operator)

Red= CSP Dash Cam (operator)

Green=Newtown PD Radio Transmissions

Orange=CSP Radio Transmissions and Routine Phone Calls (not "911")

Olive= Statements



***The following is only intended to be a summary of the events that occurred on December 14, 2012, including excerpts of conversations contained on "911" calls and radio transmissions. This summary is not inclusive of every word recorded.*

The following summary also includes descriptions of some images retrieved from mobile video recorders that were deemed to be pertinent to this investigation, and images described in this timeline are not inclusive of every image seen on the videos.

The programmed times on several mobile video recorders were found to have been set incorrectly. For the purpose of this summary, those times have been corrected to reflect the actual time as determined by utilizing accurately documented communications from the dispatch center and now correlate with the times of the dispatch centers and properly set mobile video recorders.

09:30:00 The front door at Sandy Hook Elementary, hereinafter referred to as SHES, is locked. Entry to SHES is made by being buzzed in by the main office personnel. (██████████'s Statement)

09:30:00 Parent ██████████ arrives at SHES for the gingerbread house event and has to be buzzed into SHES. At around 9:34, ██████████ hears gunfire, reports approx 15 shots. (██████████ Statement)

09:35:00 Parent ██████████ arrives at SHES. While walking from the parking lot, he notices nine (9) children (room 10) running down the sidewalk in front of SHES. He recognizes one of the children. ██████████'s Statement)

9:35:39 –First call received to Newtown Police on 911 from ██████████: Caller (██████████) reports she saw the shooter. ██████████ makes the call from the nurse's office after the shooter left the office. (██████████ Statement)

██████████: "██████████." –
call lasts 24 seconds.

09:35:43 ██████████ – First 911 call to the CSP Centralized Dispatch (CSP Centralized Dispatch 911 call)

09:35:56 Newtown Police Officers inside the police department are informed of the shooting at SHES and immediately leave the police department. (Newtown PD surveillance video)

09:36:00 As ██████████ arrives to the covered patio at the front of SHES, he hears gunfire inside the school and notices that the front entrance window is shot out. He calls 911 and runs down the sidewalk in the front of the school toward the playscape (east side) of school to ██████████'s classroom. ██████████ (No record of 911 call connecting) (██████████'s Statement)

09:36:06 Newtown Police Dispatch broadcasts that there is a shooting at SHES. (Newtown radio)

9:36:06 Dispatcher Nute: "67 (Officer McGowan) Sandy Hook School caller is indicating she thinks there is someone shooting in building."

9:36:13 – ██████████ 911 call is transferred to Newtown Police. (Newtown 911 calls)

9:36:25 Officer Seabrook hears the broadcast and is enroute to SHES from the Newtown/Monroe line. (Officer Seabrook's video)

9:36:38 Newtown Sgt Kullgren hears broadcast and is enroute to SHES: (Newtown radio)

Newtown Sgt Kullgren: "S6, I am enroute."

██████████ arrives at SHES and sees the 9 children running from the school. At the time that she saw the children, she was at the stop sign of Dickinson Drive and the school parking lot. (██████████ Statement)

██████████ walks to the front door of SHES and sees that the front window is shot out. She hears gunfire in the school. (██████████ Statement)

██████████ arrives at SHES shortly after ██████████. She also sees the children running near the stop sign. Both women meet at the front door and upon hearing gunfire, run to the dumpsters on the west side of the school to hide. (██████████'s Statement)

09:36:48 ██████████ are behind the dumpsters. ██████████ calls 911 to report the shooting. ██████████ Statement and CSP Centralized Dispatch 911)

09:36:48 Newtown Police responding are informed that possible entry was made to SHES through the front: (Newtown radio)

9:36:48 Newtown Dispatcher Nute: "Units responding, units responding to Sandy Hook school, the front glass has been broken out of the school. They are unsure why."

9:36:49 ██████████ reports that SHES is in lockdown and he is hearing gunshots. (Newtown 911 call)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9:37:27 Newtown Dispatcher Nute: *"All units, the individual that I have on the phone is continuing to hear what he believes to be gunfire."* (Newtown radio)

9:37:38 CSP personnel dispatched to SHES: (CSP Radio)

CSP Dispatcher Brennan: *"Troop A to all A cars Troop A to all A cars, be advised Newtown has an active shooter ...active shooting... the Sandy Hook Elementary School in Newtown."*

9:37:39 Officer Chapman is traveling on Church Hill Rd enroute to SHES from the police department. Newtown Sgt Kullgren is the lead car in the black SUV. Officer McGowan is driving directly in front of Officer Chapman. (Officer Chapman's video)

Officer Smith is traveling behind Officer Chapman. Upon arrival to SHES, he enters the parking lot on the right. He meets up with Officer Chapman in the front of SHES. (Officer Smith's Statement)

9:37:40 Newtown Sgt Kullgren gives instructions to Newtown officers responding to the scene: (Newtown radio)

Newtown Sgt Kullgren: *"S6 to 95(Officer Seabrook) , 67 (Officer McGowan) if you come up the rear of the school, on that Crestwood the back road, the other units will take a staging point in the driveway."*

09:38:00 [REDACTED] calls 911. Telephone call received at centralized dispatch by CSP Sgt Roach. [REDACTED] tells Sgt Roach that she is at Sandy Hook School and someone is shooting guns. She tells Sgt Roach that she is injured in the foot. (CSP Centralized Dispatch 911)

9:38:07 [REDACTED] reports that he is still hearing gunshots: (Newtown 911)

[REDACTED]

9:38:23 [REDACTED] reports that he no longer hears shooting: (Newtown 911)

[REDACTED]

09:38:24 Sgt Bahamonde is driving on Church Hill Rd enroute to SHES from the police department. The cruiser in front is Officer Penna. (Sgt Bahamonde's video)

9:38:40 CSP Sgt Cario gives instructions to responding CSP personnel to the scene. (CSP radio)

CSP Sgt Cario: *"Start all our western patrols that way. Patrol one (1) slide down to the highway and the eastern patrols cover the rest."*

09:38:43 [REDACTED] – parent in conference room #9, calls 911 and it is answered by CSP Dispatcher LaPrade. [REDACTED] tells Dispatcher LaPrade that she is in a conference room with five (5) adults and one has been shot twice. [REDACTED] tells Dispatcher LaPrade that she believes that the shooter is right outside the door and that the shooter has already shot a hundred times. (CSP Centralized Dispatch 911)

09:38:44 [REDACTED] still on the telephone with CSP Dispatcher (LaPrade) and reports that she believes the shooter is right outside the door. (CSP Centralized Dispatch 911)

9:38:50 State Police are informed that SHES is in lockdown by Newtown. (CSP radio)

CSP Dispatcher Brennan: "Okay school is now in lockdown."

9:38:53 Newtown Police Officer McGowan calls he is out on Crestwood. (Newtown radio)

9:38:53 Officer McGowan: "67 to S6 (Sgt Kullgren) I am going up Crestwood."

9:39:00 Newtown Sgt Kullgren: "Roger that, we will stage up here in the front and we will go from there."

9:38:57 [REDACTED] reports about someone seeing shadows outside SHES:

[REDACTED]

The shadows are believed to be the teachers in conference room #20 (west hallway), who escaped out the window and ran to the Subway Restaurant on Church Hill Rd. (Newtown 911)

09:39:00 Newtown Officer McGowan arrives behind SHES on Crestwood. (Newtown radio)

09:39:12 Newtown Dispatcher Nute: "67 you're on Crestwood, Crestwood?"

9:39:16 Officer McGowan: "Roger."

9:39:13 Newtown Sgt Kullgren and Officer Chapman arrive at SHES and park on the driveway near the ball field. Gunshots are heard in the background. (Officer Chapman's video) Both officers report that they hear gunshots upon arrival in their statements. Officer McGowan, when approaching SHES from the rear, reported hearing numerous gunshots. Officer Smith also reported hearing gunshots upon arrival. (Sgt Kullgren's and Officer Chapman's Statements)

9:39:22 [REDACTED] is still on the telephone with CSP Dispatcher LaPrade and gunshots are heard in the background of the telephone call. (CSP Centralized Dispatch 911)

[REDACTED]

9:39:23 [REDACTED] is still on the telephone with CSP Sgt Roach and gunshots are heard in the background. (CSP Centralized Dispatch 911)

[REDACTED]

[REDACTED]

9:39:24 [REDACTED] is still on the telephone with Newtown Dispatcher Nute. Gunshots are heard in the background. (Newtown 911)

[REDACTED]

09:39:34 Officer McGowan encounters [REDACTED] running along the east side of SHES. (Newtown radio)

Officer McGowan: "Yea we got him... they're coming at me down Crestwood."

9:39:40 The grouping of gunshots heard (on both [REDACTED]s and [REDACTED]s telephone call) ends. (CSP Centralized Dispatch 911)

09:39:59 [REDACTED] is still on the telephone with Sgt Roach and a single gunshot is heard in the background. (CSP Centralized Dispatch 911)

09:39:59 [REDACTED] is still on the telephone with CSP Dispatcher LaPrade and a single gunshot is heard in the background. (CSP Centralized Dispatch 911)

9:40:00 [REDACTED] reports that he still hears gunshots: (Newtown 911)

[REDACTED]

09:40:00 [REDACTED] saw children running on Riverside Rd. near the northern edge of the property line of the firehouse. Several vehicles were pulled over at the edge of the property. [REDACTED]'s Statement)

09:40:00 [REDACTED], stops children at the end of Eugene Rosen's driveway. [REDACTED] [REDACTED] Five children continue to run further north on Riverside Rd. ([REDACTED]'s Statement)

09:40:03 [REDACTED] is still on the telephone with CSP and a second single gunshot is heard in the background. This is believed to be the final suicide shot from the shooter, who is in room 10, Ms. Soto's room. (CSP Centralized Dispatch 911)

CSP Dispatcher LaPrade (to someone in the dispatch room, while on the phone with [REDACTED]):
"Room nine..He's right outside their door right now. They have a person that was shot with them."

09:40:04 [REDACTED] is parked at the stop sign on Dickinson Drive prior to the SHES driveway (Sgt Bahamonde's video) and calls her husband to report what is going on ([REDACTED]s Statement).

09:40:05 Officer Penna arrives at SHES and parks his cruiser on Dickinson Drive, behind [REDACTED]. He runs through the woods to the front of the building. (Sgt Bahamonde's video) (Officer Penna's Statement)

9:40:15 Newtown Sgt Bahamonde arrives in the driveway of SHES and parks behind Newtown Sgt Kullgren's SUV and to the right of Officer Chapman's cruiser. Newtown Sgt Bahamonde runs to the front of SHES. He later meets up with Newtown Lt Vanghele and Officer Penna in the front of SHES. (Sgt Bahamonde's video and Statement)

9:40:46 First indication that Officer McGowan has [REDACTED] in custody on the east side of the school near the playground. (Newtown radio)

Officer McGowan: "67 to S6, do you know if this guy I got here is involved?"

9:40:51 State Police personnel responding to SHES shooting are accounted for: (CSP radio)

CSP Sgt Cario: "149 Troop A cars responding ...sound off."

TFC McGeever: "837 exit 10."

TFC Kick: "811."

TPR Katrenya: "555 from exit 5."

TFC Cipriano: "1383 en route."

TFC Benecchi: "1413."

TFC Blumenthal: "690 en route."

TFC Gregg: "701."

TFC Poach: "668, what's the location there?"

CSP Sgt Roach: "Number twelve Dickerson Drive Newtown. twelve Dickerson Drive Newtown, it's an elementary school."

TFC Zullo: "842 I'll be responding."

[REDACTED]
09:41:00 [REDACTED] finds the schoolchildren at the corner of Cherry Street and Riverside Drive. [REDACTED] helps her calm the children down. ([REDACTED]'s Statement)

09:41:05 Officer Seabrook, enroute to SHES, meets up with Newtown Lt Vanghele (driving a department SUV) at the intersection of Church Hill Rd and Connors/Wire Rd. (Officer Seabrook's video)

9:41:07 Information is relayed as to the possible location of the shooting within SHES: (Newtown radio)

Newtown Sgt Kullgren: *"Responding units , last known gunshots were in the front of the building."*

9:41:47 CSP Deskman Loomis: *"Any cars still responding, the shooter is apparently still in the main office area."* (CSP radio)

9:41:24 Officer McGowan has [REDACTED] prone out on the playground of SHES. First time that information is relayed that there is possibly a second shooter: (Newtown radio)

09:41:24 Officer McGowan: *"I need a unit up here, on the playground side, to secure this party."*

9:41:30 Newtown Sgt Kullgren: *"Do you have that person yes, no?"*

9:41:34 Officer McGowan: *"I don't know, I've got a party on the side, I have him prone out now."*

9:41:39 Newtown Sgt Kullgren: *"Roger that, units be aware that we could have a secondary unit."*

Officer McGowan's transmission draws the attention of the Newtown officers on scene. Officers Chapman and Smith respond from the south side (rear) of the school. Newtown Sgt Kullgren responds from the north side (front) of the school. Newtown Chief Kehoe and Newtown Captain Rios respond from Crestwood Drive. Officer Seabrook responds to the east side of the school upon arrival. (Dash videos and Statements of the officers)

9:41:54 Information is relayed that Newtown Police Department is requesting any available assistance to SHES: (CSP radio)

CSP Sgt Deltorto: *"101 troop L."*

9:41:57 CSP Dispatcher Nadeau: *"101."*

9:42:00 CSP Sgt Deltorto: *"Are they requesting any additional units down that way. . . heading that way?"*

9:42:30 CSP Dispatcher Nadeau: *"Yeah roger. I need any available cars."*

09:42:27 Officer Seabrook enters Dickinson Drive. (Officer Seabrook's video)

9:42:27 Information is relayed again as to the possible location of the shooting within SHES: (Newtown radio)

Newtown Sgt Kullgren: *"Responding units again, be advised last known shots were in the front of the school... maybe the roof."*

9:42:39 Officer Penna calls out the license plate on shooter's vehicle as he runs past the vehicle toward the dumpster: (Newtown radio)

Officer Penna: *"D5, eight seven two Yellow Echo October may be suspect's vehicle."*

9:42:47 Newtown Lt Vanghele and Officer Seabrook arrive at SHES. Newtown Lt Vanghele drives towards front door and Officer Seabrook parks adjacent to second row of cars facing the northwest portion of SHES. (Officer Chapman's and Officer Seabrook's video)

09:42:47 Newtown Sgt Kullgren handcuffs [REDACTED]. (Officer Seabrook's Statement)

9:42:50 State Police requests information from Newtown regarding what is happening at SHES: (CSP radio)

CSP Sgt Cario: *"Troop A do we know how...what.. Newtown has on scene... are they engaged with the shooter yet?"*

9:42:55 CSP Deskman Loomis: *"We don't have uh Newtown on the line yet sarge."*

9:43:02 CSP Sgt Cario: *"Get Newtown on the line, begin coordinating with them. They may just want us to establish a perimeter or whatever."*

9:43:16 Additional State Police Personnel are en route to SHES: (CSP radio)

CSP Sgt Roden: *"174 I'll be en route."*

TFC Cournoyer: *"1315 I'll be enroute. I get off exit 10 you said take a right?"*

TFC Dragon: *"705 A ,I'll also be en route."*

CSP Sgt Deltorto: *"101..channel 8...Troop L*

09:44:33 Activity is observed at the front door of SHES believed to be Newtown Officers (persons are indistinguishable). (Officer Seabrook's video)

9:44:33 Officer Chapman and Officer Smith complete a check of the perimeter (west and south side) of the school. Officer Smith stated that he and Officer Chapman made eye contact with Officer McGowan at the rear of the school, where Officer McGowan had [REDACTED] prone out on the ground. Upon realizing that [REDACTED] was not a threat, they both returned back to the front door: (Statements of Officers Chapman and Smith)

09:44:33 Officer Chapman: *"Myself and 92 (Officer Smith) checked the perimeter of the school. That party in custody 4901(Newtown police radio code for unfounded)...we will continue checking."* (Newtown radio)

9:44:47 [REDACTED], standing in the west hallway, is still on the telephone with Newtown 911. (Newtown 911)

[REDACTED]

[REDACTED]

The talking [REDACTED] hears is most likely Newtown Officers Lt Vanghele, Sgt Bahamonde, and Officer Penna coming through the boiler room of SHES, having entered through a west side door. They make their way through the boiler room, kitchen, and cafeteria and enter into the lobby of the school. (Officers' Statements)

9:44:50 Newtown Sgt Kullgren, Officer Seabrook, and Officer McGowan are entering a door on the south east side of the SHES, after breaking a window to get in. Per their Statements, they travel down the rear (south) hallway of SHES to the west hallway. (Newtown radio)

Newtown Sgt Kullgren: "S6... we have a team of 3 entering the south east portion of the school."

At this time, Officer McGowan has turned over custody of [REDACTED] to Newtown Captain Rios. (Newtown radio)

** Newtown Chief Kehoe and Newtown Captain Rios had previously arrived, in one vehicle, parked on Crestwood, no documented time of arrival**

9:45:02 [REDACTED], standing in the west hallway outside the custodian's office, sees Newtown officers enter the lobby of SHES. They made entry into the school through the boiler room doors on the west side of the school. The officers went through the boiler room and the kitchen. [REDACTED] is still on the 911 call with Newtown. (Newtown 911)

[REDACTED]

9:45:10 Newtown Lt Vanghele, Sgt Bahamonde, and Officer Penna, verbally engage with [REDACTED]. (Newtown 911)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9:45:29 Officer Chapman: "Would you like us to begin checking the inside of the school as well?"

0 Newtown Lt. Vanghele tells a female student to get back into classroom (room 8) as she comes
the north hallway. (Statements of Newtown Officers and [REDACTED] 911 call to Newtown)

3 [REDACTED] calls 911 to report that she found the children running in the roadway. Officers are telling her that a man is shooting at them at SHES. She is told to take them to the police station by CSP Sgt Roach. (CSP Centralized Dispatch 911)

Newtown Sgt Bahamonde: "ok, I need units in the front of the school. I've got bodies here. Let's uh get ambulances."

[illegible]

10

A-550

09:46:31 Officer Hull arrives from his HCP assignment near Botsford Hill. Officer Hull parks perpendicular to the front of Officer Seabrook's vehicle, adjacent to the second and third row of parked vehicles in the parking lot, facing the front of SHES. Officer Hull runs toward the front entrance and stays with the two women behind the dumpster. (Officer Seabrook's video)

9:46:48 CSP Sgt Cario running toward the front entrance of SHES, shortly followed by CSP Lt (MSGT) Davis. (Lt Davis' video) Both immediately enter SHES through the broken window. (CSP and Newtown Officers' Statements)

09:46:52 CSP Lt Hofbauer is seen running to the left of Officer Hull's vehicle between the first and second row of cars toward the front entrance of SHES. (Officer Seabrook's video) Lt Hofbauer immediately enters SHES through the broken window. (Lt Hofbauer and Newtown PD Officers' Statements)

09:47:01 TFC Kick arrives on scene (CSP radio)

TFC Kick: "Get off 10 make a left...go straight through the light at the bottom of the hill and you're going to see Dickerson on your right. 811, thirty one."

9:47:11 CSP Sgt Wagnblas (#278): "278 thirty one."

9:47:17 CSP Sgt Salmeri (#207): "207 thirty one."

9:47:51 TFC Kick: "Cars coming in set up a four corner perimeter around the building ok? Unknown where the shooter is...unknown where the shooter is, set up a four corner perimeter around the building."

09:48:00 [REDACTED] is on Riverside Drive, putting the five schoolchildren into minivan to take them to Newtown police department. (TFC McGeever's video)

9:48:02 [REDACTED] still engaged with Newtown officers in the lobby of SHES: (Newtown 911)

[REDACTED]

[REDACTED]

[REDACTED] answers questions by Newtown Police regarding SHES being a square, the location of the portable classrooms, and that the shooting was in the front lobby. You can hear the Newtown officers talking with others (possibly CSP at this time) about [REDACTED] "...[REDACTED]".

[REDACTED] hears the group of Newtown officers approaching him from the south hallway: (Newtown 911)

[REDACTED]

[REDACTED]

09:48:36 CSP Sgt Salmeri and CSP Sgt Wagnblas arrive on school grounds. (Officer Chapman's video)

09:48:40 Newtown Captain Rios with [REDACTED] (parent) in custody walking from the playground area. (Officer Seabrook's video)

9:48:50 TFC McGeever arrives and parks his cruiser in the third row of parked cars in the SHES parking lot. (Lt Davis' video)

9:49:01 Newtown Captain Rios approaches the rear driver's side of TFC McGeever's vehicle with [REDACTED] (parent) in handcuffs. Newtown Captain Rios walks [REDACTED] back to the front of TFC McGeever's vehicle. (Lt Davis' video)

9:49:06 Oxford Constable Ramirez arrives on scene: (CSP radio)

Constable Ramirez: "AC35 A, I'm thirty one."

09:49:16 While in the lobby of SHES, CSP Sgt Cario heard a discussion of reports of a possible suspect near the playscape area. Newtown Sgt Bahamonde, TFC Kick, and CSP Sgt Cario are seen running east, along the front of the school, looking for the playscape area. CSP Sgt Cario and TFC Kick return to the lobby of the school. Newtown Sgt Bahamonde continued to the playscape area. (Officer Seabrook's video) (Officers' Statements)

9:49:46 As a result of the portable radios not transmitting properly, TFC Kick was instructed to transmit information and instructions from the front patio: (CSP radio)

TFC Kick: "Cars coming in, do a sweep of the outer perimeter...do a sweep of the outer perimeter."

9:49:50 Newtown Sgt Kullgren's team comes up the southwest portion of the hallway and encounters [REDACTED] [REDACTED] is still on the telephone with Newtown. Yelling is heard in the background: (Newtown 911)

[REDACTED]
[REDACTED]

[REDACTED]

The team of Newtown (Chief Kehoe, Sgt Kullgren, Officer McGowan, and Officer Seabrook) Officers prone out [REDACTED] and the phone call becomes disconnected. [REDACTED] is handcuffed by Officer McGowan. (Statements of Officers' and [REDACTED])

09:49:58 CSP Dispatcher LaPrade is still on the telephone with [REDACTED], conference room #9, and yelling is heard in the background. CSP Sgt Cario, Officer Smith, Officer Chapman, and Lt (MSGT) Davis, in active shooter formation, are moving down the north hallway and enter conference room #9: (CSP Centralized Dispatch 911 and Officers' Statements)

[REDACTED]

[REDACTED]

9:49:59 Additional CSP Personnel arrive on scene: (CSP radio)

TFC Benecchi: "1413 thirty one."

9:50:07 TPR Katrenya: "(unintelligible) ..thirty one."

09:50:20 Newtown Captain Rios turns custody of [REDACTED] over to Oxford Constable Ramirez. (Officer Seabrook's video)

9:50:29 Newtown Police Detectives McAnaspie and Joudy arrive on scene. They take cover behind the trees, by the playscape area. (Lt Davis' video)

9:51:28 CSP Det Dragon arrives on scene, runs to the front entrance of SHES with his medical bag. (Lt Davis' video)

09:51:31 TPR Katrenya is seen on foot in the parking lot, moving in the direction of the school. (Sgt Bahamonde's video)

9:51:31 The Active shooter formation of CSP Lt (MSGT) Davis, CSP Sgt Cario, Officer Chapman, and Officer Smith enters room 10: (Newtown radio)

Officer Smith: "92, We've got one suspect down."

Officer Smith finds [REDACTED] hiding in the bathroom of room 10. He tells them to stay and that he will be back for them when it is safe. (Smith's Statement)

09:51:31 Officer Penna enters room 8 and finds [REDACTED]. Officer Penna tells the student to stay in the room while he goes to room 10 to make sure the hallway is secure. (Officer Penna's Statement)

9:51:35 Oxford Constable Ramirez is seen taking handcuffs off [REDACTED] (TFC McGeever's video)

9:51:51 Oxford Constable Ramirez escorts [REDACTED] toward the Sandy Hook firehouse. (Lt Davis' video)

9:52:42 Additional CSP personnel arrive: (CSP radio)

CSP Sgt Roden: "174 L thirty one."

9:52:47 TFC Blumenthal: "690 thirty one."

9:52:50 TPR Katrenya notifies CSP that suspect is down: (CSP radio)

TPR Katrenya: "555 Troop A, Newtown's reporting one suspect down, the building has not been cleared."

9:53:06 TFC C. Guerra (#420): *"Troop A, I'll be responding also from Superior Court to Newtown."*

9:53:12 Additional CSP personnel arrive on scene:

09:53:12 CSP SGT Roden arrives on scene, runs to the front entrance of SHES. (Davis' video)

9:53:18 TFC Blumenthal arrives on scene, runs to the front entrance of SHES. (Davis' video)

9:53:57 TFC Zullo arrives on scene and runs to the front entrance of SHES. (Davis video)

9:54:20 CSP Sgt O'Donnell calls centralized dispatch and speaks with CSP Sgt Roach: (CSP radio)

CSP Sgt O'Donnell: *"Hey it's 272 just mark me 31 there."*

CSP Sgt Roach: *"O'Donnell 31 roger."*

9:55:28 Officer Penna, in room 10, provides information on the types of weapons involved in shooting: (Newtown radio)

Officer Penna: *"D5 ... be advised we should have multiple weapons including long rifles and shotgun."*

9:56:16 Officer Chapman carries [REDACTED], across parking lot toward triage station. Officer Chapman was assisted by Newtown Lt Vanghele (white shirt. (Lt Davis' video)

9:56:38 CSP Lt. Perry arrives on scene: (CSP radio)

CSP Lt. Perry (#046): *"Troop A I'll be on scene...we have plain clothes people here make sure everybody has their raid gear on."*

9:57:08 CSP Lt (Msgt) Davis requests EMS and instructs where to have them stage at the scene. Injured parties are being evacuated from the scene: (CSP radio)

CSP Lt (MSGT) Davis: *"098 troop A, do we have CMED anywhere near us?..."*
(transmission breaks off)

9:57:24 CSP Lt (MSGT) Davis: *"Have them come to the base of the school, not. once I'll be here right at the base..get the injured parties out .. start getting 'em out."*

9:57:32 CSP Deskman Loomis: *"Roger 98 extricating the people out of the school "*

Officer Penna brings [REDACTED] and hands her off to TFC McGeever in the front lobby. (Officer Penna's Statement)

9:57:40 TFC McGeever runs with [REDACTED] across the parking lot toward the Sandy Hook firehouse. (Lt Davis' video)

9:58:13 TFC Keane arrives on scene and assists with the evacuation of the students and teachers from SHES to the firehouse: (CSP radio)

TFC Keane: "401 thirty one."

9:58:35 Officer Smith carries [REDACTED], to the parking lot. Officer Smith puts them down and then runs with them to the Sandy Hook firehouse. (Lt Davis' video)

9:59:48 TFC Kick drives [REDACTED], teacher and gunshot victim, room 9, in his cruiser, to the triage station. (Lt Davis' video)

10:00:45 Teachers [REDACTED], and student run across parking lot with TFC Keane #401, to the Sandy Hook firehouse. (Lt Davis' video)

10:01:33 CSP Detective Mudry meets with CSP SGT O'Donnell in parking lot. This also marks Det Mudry's arrival on scene. (Lt Davis' video)

10:01:42 CSP Det Van Ness arrives on scene and assists TFC Keane with the evacuation of the students and teachers from SHES to the firehouse. (Lt Davis' video)

10:02:10 A black SUV being driven by Newtown Lt Vanghele with CSP Sgt Cario is seen leaving the front of SHES to bring [REDACTED] to the triage station. (Sgt Bahamonde's video) (Officer Chapman's video)

10:02:41 Officer Penna escorts [REDACTED] in handcuffs, across the parking lot toward the firehouse. (Lt Davis' video)

10:03:29 TFC Benecchi escorts [REDACTED] from SHES, across the parking lot to Detective Van Ness. The children were taken to the Sandy Hook firehouse. (Lt Davis' video)

10:03:00 CSP Sgt O'Donnell: "272 A, 1413's leading a group of uh young kids out the front" (CSP radio)

10:03:52 CSP Sgt O'Donnell informs CSP personnel where to bring the students and staff: (CSP radio)

CSP Sgt O'Donnell: "Ok we have a staging area for the students, personnel and the parents outside near the street...401 and Detective Rachael Van Ness are leading that area."

10:04:55 CSP Sgt O'Donnell requests information on possible suspect vehicle: (CSP radio)

CSP Sgt O'Donnell: "272 A with a 15 on a possible suspect."

CSP Deskman Loomis: "272 go with your 15."

CSP Sgt O'Donnell: "Connecticut eight, seven, two, Y- Yankee, E- Echo, O- Oscar...872YEO...possible suspect vehicle."

10:05:28 TFC Guerra arrives on scene: (CSP radio)

TFC Guerra: "420 A thirty one."

10:05:47 Children are escorted from the front of SHES. (CSP radio)

CSP Sgt O'Donnell: "272 A... another large group coming out"

10:05:50 Newtown Officer Smith and Officer Seabrook check the roof of SHES: (Newtown radio)

Officer Smith: "92, we're going to be on the roof checking that area."

10:06:08 Children are escorted out of the building from the Northeast corner of SHES. (TFC McGeever's video)

10:06:02 Black SUV driven by Newtown Lt. Vanghele and TFC Kick's vehicle return to the front of SHES (Officer Chapman's video) (Lt Davis' video)

10:06:31 CSP Tpr Katrenya escorts children from the northeast corner of SHES. (Officer Chapman's video)

10:06:46 [REDACTED] and the women who were in the PPT meeting in the conference room #9 [REDACTED] meet up with TFC Keane in the parking lot and he escorts them across parking lot to Detective Van Ness, who takes them to the firehouse. They were escorted from SHES by TFC Benecchi. (Lt Davis' video and parent [REDACTED] video)

10:07:07 TFC Cournoyer escorts [REDACTED] from SHES, across the parking lot to the triage station. (Lt Davis' video)

10:07:13 Children are escorted out of the building from the Northeast corner of SHES. (TFC McGeever's video)

10:07:47 Children are escorted from the northeast corner of SHES. (Officer Chapman's video)

10:08:19 Children are escorted out of the building from the northeast corner of SHES. (TFC McGeever's video)

10:08:43 Children are escorted from the northeast corner of SHES. Lt (MSGT) Davis is present. (Sgt Bahamonde's video) (Officer Chapman's video)

10:08:37 TFC Keane requests that the entrance to the parking lot of the school be closed off. Parents of students are coming into the parking lot at this time (Officers' dash cameras) (CSP radio)

TFC Keane: "Troop A, have the F D. close down the road... we don't have any police personnel to do that."

CSP Deskman Loomis: "Roger 401 we're talking about Dickinson and Riverside?"

TFC Keane: *"Dickinson ...we don't need any more people in here we're just trying to set up a safe perimeter and remove all the students."*

10:08:49 TFC Faughnan and TFC Poach, two members of Emergency Services Unit (ESU), arrive and meet with Lt (MSGT) Davis. (Officer Chapman's video)

10:08:52 Sandy Hook Fire Department arrives and stages in the northeast portion of the SHES parking lot. (Officer Chapman's video)

10:09:26 TFC Bell arrives to SHES (Lt. Davis' video)

10:09:29 Students are escorted from SHES; (CSP radio)

CSP Sgt O'Donnell: *"272 A another large group coming out."*

10:10:05 CSP Sgt O'Donnell calls CSP centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene. Sgt O'Donnell tells Dispatcher LaPrade that the school is being evacuated and that the children and staff are being brought out to TFC Keane and Det Van Ness, who are stationed at the perimeter of the school out front. Sgt O'Donnell also informs Dispatcher LaPrade that they need multiple ambulances and that there are multiple "KIA's" in the school. Dispatcher LaPrade has been gathering information from the teachers (calling in on 911) from inside the school regarding where they are located and how many students they have with them. Dispatcher LaPrade relays information to CSP Sgt O'Donnell that there are children locked in rooms 24, 23, and that there is an injured teacher in the kindergarten class [REDACTED]. (CSP telephone)

CSP Dispatcher LaPrade: *"[REDACTED] it's at the back of the music room..they're locked in the closet ...and in room 23..two teachers and 16 kids..they're ok and in the kindergarten class...[REDACTED]...I cannot get a hold of her now though."*

CSP Sgt O'Donnell then informs Deskman Loomis that they are still searching the school and clearing the classrooms. CSP Sgt O'Donnell informs Deskman Loomis that one suspect is deceased and that there is possibly a second shooter: (CSP telephone)

CSP Sgt O'Donnell: *"Uh. Timmy ...we're still searching."*

CSP Deskman Loomis: (interrupts) *"... you're the only one I could get contact with down there."*

CSP Sgt O'Donnell: *"I hear ya, I hear ya..I'm in and out of the building, we have uh, we have uh multiple in the double digits of death here...so it's not good .we have..were still clearing rooms..we have one suspect..one suspect down..deceased..but we think there is a second shooter were not sure. there's multiple casings and magazine clips and weapons all around the building here."*

10:10:30 TFC Keane heads to the northeast corner of the SHES building to assist with escorting children to the firehouse. (Officer Seabrook's video)

10:10:31 CSP Det Van Ness and unidentified DEEP (ENCON) Officers are escorting children from the northeast corner of SHES. (Officer Chapman's video)

10:10:24 CSP Det Lukienchuk #573 arrives on scene. (Lt Davis' video)

10:10:36 The initial search of the roof is completed by Newtown: (Newtown radio)

Officer Seabrook: *"If you could advise all units please, the roof is clear."*

10:11:17 CSP Det Van Ness escorts children from the northeast corner of SHES. (Sgt Bahamonde's video)

10:11:24 Newtown Det Frank arrives on scene: (Newtown radio)

10:11:24 Officer McGowan: *"67 to any unit near State Police, let them know I have Detective Frank with me, he is in civvies, green striped shirt and an AR-15."*

10:11:48 Newtown Sgt Kullgren: *"S6 to D2 (Frank) If you can stand out front and assist with security. We have plenty of uh... Newtown and CSP."*

10:12:32 Det Van Ness escorts children across the parking lot toward the SH firehouse. The classroom could possibly be the students in the gym. (Lt Davis' video)

10:13:15 CSP SGT Deltorto arrives on scene. (Lt Davis' video)

10:13:20 Additional CSP Personnel responding to the scene: (CSP radio)

CSP Lt. C. Brown (#039): *"039 Troop A."*

10:13:27 CSP Lt Brown: *"Coming up on 16, I'll be enroute."*

10:13:32 Sgt Bartolotta arrives on scene: (CSP radio)

CSP Sgt Bartolotta (#161): *"161 A thirty one."*

10:14:59 CSP Det. Rachael Van Ness escorts children from SHES to the firehouse. (Officer Seabrook's video)

10:14:44 Children being escorted out of the building from the Northeast corner of SHES. (McGeever video)

10:15:20 CSP Sgt O'Donnell calls centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene. CSP Sgt O'Donnell informs TFC Binkowski that they were clearing rooms 23 and 24 at that time. (CSP telephone)

10:15:40 State's Attorney's Office is en route to SHES: (CSP radio)

Investigator Don Brown (#SA2241): *"SA 2241 Troop A."*

10:15:46 CSP Dispatcher Nadeau: *"Go ahead."*

10:15:49 Investigator Don Brown: *"I got uh State's Attorney Murray with me...uh is there an area we can report to?"*

10:15:58 CSP Dispatcher Nadeau: *"Have them go to the P.D."*

10:16:03 Investigator Don Brown: *"Roger."*

10:15:48 Children are being escorted from the northeast corner of SHES. (Officer Chapman's video)

10:16:08 Children are being escorted out of the building from the Northeast corner of the SHES building. (TFC McGeever's video)

10:16:26 Children are being escorted out of the building from the Northeast corner of the SHES building. (TFC McGeever's video) (subsequently seen on Officer Chapman's video at 10:16:36)

10:16:51 Children are being escorted out of the building from the Northeast corner of the SHES building. (TFC McGeever's video)

10:17:26 CSP Sgt O'Donnell calls centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene. CSP Sgt O'Donnell informs CSP Dispatcher Nadeau that they were searching the back side of the building. (CSP telephone)

10:17:40 Children are being escorted out of the building from the Northeast corner of the SHES building. (TFC McGeever's video) (subsequently seen on Officer Chapman's video at 10:17:43)

10:18:05 Children are being escorted from the northeast corner of SHES. (Officer Chapman's video)

10:19:35 Members of Statewide Narcotics Task Force Northwest Office (SGT Thomas Bennett, Det Brian Marino, Officer Thomas Bean, Detective Scott Flockhart, Officer Michael McPadden, and Officer Jared Turner) arrive on scene. Also present, but not seen here is Tpr Janice Warkoski and Officer Leonard Greene. (Lt Davis' video)

10:20:14 CSP Lt Hofbauer requests that the CSP Public Information Office (PIO) be notified of event: (CSP radio)

CSP Lt Hofbauer: *"040 Troop A."*

10:20:21 CSP Lt Hofbauer: *"Be aware but make sure that PIO knows something is going on here "*

10:20:26 CSP Dispatcher Brennan: *"Been advised already."*

10:21:08 Information put out regarding second shooter and suspect vehicle: (CSP radio)

CSP Lt (MSGT) Davis "...just be advised we may have two shooters and we may have a suspect vehicle that they might have pulled up in..CT eight-seven-two- Yankee-echo- Oscar..block Honda."

10:21:47 Instructions are given regarding additional personnel to respond to the scene: (CSP radio)

CSP MSGT Rafferty: "Roger, do you need uh extra CSP personnel on scene?"

10:21:50 CSP Lt (MSGT) Davis: "We're all set with CSP personnel perimeter and inside..if any other people are coming we just need them for the mess outside with the parents and the uh kids."

10:21:59 Troopers from Troop G Bridgeport are responding to the scene: (CSP radio)

CSP MSGT Mingo (#081): "81 Troop A we got assistance coming."

10:22:17 Det Van Ness escorts [REDACTED] from SHES to the firehouse. (Lt Davis' video)

10:22:13 CSP Lt. Brown arrives at the scene: (CSP radio)

CSP Lt. Brown: "039 thirty one in the area."

10:22:44 The scene is still not secured: (CSP radio)

CSP Deskman Loomis: "A cars responding to the scene..it's still active ..A cars responding still active...check in with 272 or 040...upon arriving at the scene."

10:23:14 CSP Lt Delvecchia (#034): "034 to uh Troop A, we got the area cordoned off so no vehicle can get out as well?"

10:23:22 CSP Deskman Loomis: "Roger 034."

10:23:58 SHES children are being escorted from the scene: (CSP radio)

CSP Sgt O'Donnell: "Large group coming out we should have a large group coming out"

10:24:44 Additional CSP personnel are being directed to the scene: (CSP radio)

CSP Dispatcher Nadeau: "Troop L to 315 "

10:24:49 TFC Arbour (#315): "315."

10:25:00 CSP Dispatcher Nadeau: "315 could you respond to Newtown for the active shooting?"

10:25:06 TFC Arbour: "Roger en route, would you like 517 (L. Deltorto) to respond as well?"

10:25:11 CSP Dispatcher Nadeau: "Roger.. 453?"

10:28:41 TFC Binkowski: "yeah 453?"

10:29:02 TFC D'Elia (#453): "453."

10:29:05 TFC Binkowski: "Roger suit up..start heading down to Newtown . 12 Dickerson Rd .I'll throw it in your CAD."

10:29:06 CSP Dispatcher Brennan: "518, you collin?"

10:29:10 TFC Roy (#518): "Roger were looking for some guidance ..direction off of 84, exit?"

10:24:58 Newtown Lt Vanghele (white shirt) escorting Kaitlin Roig's class (room 12) from the northeast corner of SHES. Det. Van Ness takes a child from Officer Chapman. (Officer Chapman's video)

10:26:02 CSP Sgt Covello requests that all WDMC personnel respond to scene: (CSP radio)

10:26:02 CSP Sgt. Covello (#167): "167 A."

10:26:07 CSP Dispatcher Nadeau: "167 come in."

10:26:10 CSP Sgt Covello: "Can you please rebroadcast all....?" (echo drowns out transmission)

10:26:19 CSP Dispatcher Brennan: "167 there's too much echo in the background...try it again."

10:26:22 CSP Sgt Covello: "Roger can you please rebroadcast all Western District Major Crime personnel to go to the scene?"

10:26:33 CSP Deskman Loomis: "Roger 167 we're gonna switch over to channel two or channel eight. This is still an active scene..keep the air clean."

10:26:55 New Haven FBI en route to the scene: (CSP radio)

FBI 20: "New Haven FBI 20 to Troop A on channel 2."

10:27:10 CSP Dispatcher Brennan: (cut off) "FBI car."

10:27:13 FBI 20: "20 inbound at our location with uh UCONN ER support...uh is there a link up point?"

10:27:24 CSP Dispatcher Brennan: "Stand by one let me find out where the uh staging area is "

10:27:29 FBI 20: "Roger we also have some tactical outfits available if needed."

10:27:36 CSP Dispatcher Brennan: "Roger."

10:27:47 CSP Deskman Loomis speaking with CSP Sgt O'Donnell about location of SHES personnel:
(CSP radio)

CSP Deskman Loomis: *"Roger...a closet in the kitchen...it has some victims...let us know, we'll call the number so they know you're comin'."*

10:29:17 CSP Sgt O'Donnell calls CSP centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene. CSP Sgt O'Donnell informs Dispatcher LaPrade that they completed the first search and are now conducting a thorough second search: (CSP telephone)

CSP Sgt O'Donnell: *"...got the cleaner's set of keys... we're going through unlocked closets looking for young children that might be in there..secure."*

CSP Dispatcher LaPrade: *"Ok."*

CSP Sgt O'Donnell: *"So we're doing that right now and then we are going back around we're going to do another whole perimeter and we're gonna do another search of the entire building systematically again."*

CSP Dispatcher LaPrade: *"There's a kitchen too that there was somebody... 10 or 12 people in the kitchen area."*

10:29:05 Fire Department establishes a perimeter of cones to keep bystanders back. (Officer Chapman's video)

10:30:13 ESU arrives at the SHES: (CSP radio)

CSP Lt (MSGT) Davis: *"2 uh...098 Troop A."*

10:30:16 CSP Sgt Roach: *"098 come in."*

10:30:20 CSP Lt (MSGT) Davis: *"ESU arrived we're forming up to do a double check of the building."*

10:30:27 CSP Sgt Roach: *"Ok roger... one of the places is in the kitchen. there's a teacher and eighteen kids there"*

10:31:33 CSP Sgt O'Donnell calls centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene. CSP Sgt O'Donnell informs Dispatcher LaPrade that he removed the children and teachers from the library: (CSP telephone)

CSP Sgt O'Donnell: *"Karen it's me again...we just got 18..18 kids out with some uh, some adults out of this closet."*

CSP Dispatcher LaPrade : *"Out of which closet?"*

CSP Sgt O'Donnell: *"Out of the library closet... library closet "*

CSP Sgt O'Donnell O'Donnell: (still talking) *"18 kids and about four adults."*

CSP Dispatcher LaPrade: *"Rear of the kitchen.. there's a closet."*

CSP Dispatcher LaPrade: *"Teacher's in there with 18 students."*

CSP Sgt O'Donnell: (talking to someone in the room) *"Yup behind the kitchen...teacher there with 8 or 10 kids...in the kitchen ok?"*

CSP Sgt O'Donnell: (to Karen) *"Ok we'll do that right now."*

CSP Sgt O'Donnell: *"We're going through the kitchen now with the tact team.."*

10:32:10 Newtown Police reports that there is no active shooting: (Newtown radio)

Newtown Sgt Kullgren: *"S6 to HQ."*

10:32:16 Newtown Sgt Kullgren: *"72 (Newtown radio code for a telephone call) the State troop, advise them at this point there is no active shooting."*

10:32:33 Newtown Dispatcher Nute: *"Received."*

10:32:22 CSP Sgt Cario calls centralized dispatch, on a cellular telephone because the portable radios were not working properly to relay information from the scene: CSP Sgt Cario informs TFC Binkowski that there is no active shooting at this time: (CSP telephone)

CSP Sgt Cario: *"Pu...put out on the air that the...there's...there's no active shooting ...but personnel can continue this way cause we're going to need help with crowd control."*

TFC Binkowski: *"Ok , no longer active."*

CSP Sgt Cario Cario: *"Reduce your speed."*

TFC Binkowski: *"No longer active...reduce your speed...but continue?"*

CSP Sgt Cario Cario: *"Right."*

10:32:59 Children are being escorted out of the building from the northeast corner of the SHES building. (TFC McGeever's video)

10:33:07 Transmission that there is no longer an active shooter situation: (CSP radio)

CSP Dispatcher Brennan: *Troop A to all units...Troop A to all units. Newtown PD commanding officer at the scene is stating that there's no active shooting at this time.. no active shooting at this time."*

10:33:03 Small group of children are being escorted from the northeast corner of the SHES. (Officer Chapman's video)

10:33:24 Children are being escorted out of the building from the northeast corner of the SHES building. (TFC McGeever's video)

10:33:39 Children are being escorted by Officer Pisani from the northeast corner of the SHES. (Officer Chapman's video)

10:35:31 Information regarding the black Honda parked in the front of SHES is relayed: (Newtown radio)

10:35:31 Officer Penna: "D5 to HQ."

10:35:34 Newtown Dispatcher Barocsi: "D5 (Officer Penna)."

10:35:35 Officer Penna: "I need the address of the residence of this Connecticut reg. It's gonna be the same one I gave you before, Connecticut Passenger eight -seven- two- Yankee -echo- October (YEO)."

10:35:46 Newtown Dispatcher Barocsi: "Roger eight-seven-two (872)-yankee-echo- October (YEO), standby."

10:36:05 Newtown Dispatcher Barocsi: "D5 (Officer Penna) it's thirty six (36) Yogananda Street."

10:36:11 Officer Penna: "Roger, give me a last name."

10:36:14 Newtown Dispatcher Barocsi: "Lanza."

10:36:18 Officer Penna: "Roger thank you."

10:36:20 Newtown Dispatcher Barocsi: "Roger."

10:41:06 CSP Sgt. O'Donnell, assisted by Officer Seabrook, calls in the serial numbers on guns to CSP Centralized Dispatch. (CSP telephone) (Officer Seabrook's Statement)

10:49:12 Staging area for the parents is proposed: (Newtown radio)

Officer Penna: "SH, I'm sorry 4 HQ (Lt Vanghele)."

10:49:18 Newtown Sgt Kullgren: "S6, go ahead for 4 HQ (Lt Vanghele)."

10:49:22 Officer Penna: "We want to set up a staging area for the parents to go there rather than here, we were thinking Fairfield Hills, is that acceptable?"

10:49:34 Newtown Sgt Kullgren: "Roger, how about the firehouse?"

10:49:39 Officer Penna: "We have gridlock here, we are trying to get them out from where the SHES scene is."

10:50:51 Newtown Sgt Kullgren: "Roger, S6 (Sgt Kullgren) to D...D6(OfficerFlynn)...D5(Officer Penna) we are going to use the firehouse for now."

10:50:58 Officer Penna: "Roger firehouse."

10:49:46 Area K9 units are requested to perform a search: (Newtown radio)

Newtown Dispatcher Barocsi: "S6 (Sgt Kullgren) be advised, Monroe's K9 is in the area. Do you have a specific location you want them to go?"

10:49:55 Sgt Kullgren: "Have them respond to the front of the school, we have State Police with their team."

10:50:00 Newtown Dispatcher Barocsi: "Received."

10:50:06 Officer Figol, who is working a private duty job near the Newtown Monroe line, informs Newtown PD that she is in town with her canine: (Newtown radio)

Officer Figol: "81 (Figol) to S6 (Sgt Kullgren),"

10:50:17 Newtown Dispatcher Barocsi: "81 (Figol) are you calling?"

10:50:19 Officer Figol: "Let S6 (Sgt Kullgren) know I am in town too on a road job if he needs me."

10:50:24 Newtown Dispatcher Barocsi: "Roger, S6 (Sgt Kullgren) you copy?"

10:50:27 Newtown Sgt Kullgren: "Negative, what do we have?"

10:50:29 Newtown Dispatcher Barocsi: "81 (Figol) is in town as well if you need her...just advise."

10:50:38 Newtown Sgt Kullgren: "Go again please."

10:50:43 Newtown Dispatcher Barocsi: "S6 (Sgt Kullgren), just be advised 81(Figol) is in town if you need her."

10:51:17 A team of officers is formed to go to 36 Yogananda Street, Newtown. (Newtown radio)

Officer McGowan: "67 to HQ."

10:51:20 Newtown Dispatcher Barocsi: "67 (Officer McGowan) go ahead."

10:51:25 Officer McGowan: "Be advised... I will be taking a team to the location on that thirty ten (3010 registration check)."

10:51:32 Newtown Dispatcher Barocsi: "Received."

10:51:38 Officer McGowan: "To confirm that's number three six (36) correct? Three six?"

10:51:42 Newtown Dispatcher Barocsi: "That's affirmative... three six (36) Yogananda Street, three six."

10:51:59 Command Post is set up at the Sandy Hook Firehouse: (Newtown radio)

Newtown Chief Kehoe: "1 HQ."

10:50:00 Newtown Dispatcher Barocsi: "1 HQ (Chief Kehoe.)"

10:50:03 Newtown Chief Kehoe: "—advised we will be setting up command.. the command post at uh ..Sandy Hook firehouse."

10:52:08 Newtown Dispatcher Barocsi: "Received command post Sandy Hook firehouse, ten fifty two (10:52)."

10:52:15 Newtown Sgt Kullgren requests a floor plan of SHES for a complete search: (Newtown radio)

Newtown Sgt Kullgren: "S6 can we get a uh floor plan of the school please?"

10:52:23 Newtown Dispatcher Barocsi: "S6 (Sgt Kullgren), I copy... we are working on it."

10:52:58 Information that schools in the area are in lockdown: (Newtown radio)

10:53:30 Newtown Sgt Kullgren: "Looking for confirmation that all other schools in town are in lock down."

10:53:35 Newtown Dispatcher Barocsi: "All schools as far as I am aware are in lock down, they were advised."

10:55:50 Additional Newtown officers arrive at Police Department: (Newtown radio)

Newtown Dispatcher Nute: "Be advise at this time I have 99 (Hayes) and 94 (Greco) here at HQ. I have two Weston Officers going down to Sandy Hook school to meet with Janet Robinson to work with the parents at that location."

10:56:13 Newtown Dispatcher Nute: "I am going to maintain 99 (Officer Hayes) and 94 (Officer Greco) here unless you need them there."

10:56:21 Newtown Sgt Kullgren: "Negative, that's good keep them there we have enough in the school and on the property at this time."

10:56:28 Newtown Dispatcher Nute: "Received."

10:56:30 Newtown Dispatcher Barocsi: "S6 (Sgt Kullgren) be advised S2 (Officer Froehlich) and 823 (Officer Haas) also called in, if you need them to come in just advise."

10:56:48 Officer Silver: "63, I also just got here."

10:56:53 Newtown Dispatcher Barocsi: "Roger."

10:58:19 Additional searches of SHES and area are being coordinated. Officer Figol responds to SHES at this time from a private duty job at the Monroe/Newtown line: (Newtown radio)

10:58:19 Newtown Sgt Kullgren: "S6 to HQ."

10:58:22 Newtown Dispatcher Nute: "S6 (Sgt Kullgren)."

10:58:24 Newtown Sgt Kullgren: "I am working with CSP now to coordinate additional searches... can you have the Monroe canine and 81 (Officer Figol) respond to the front of the school please."

10:58:35 Newtown Dispatcher Nute: "Received...81 (Officer Figol)?"

10:58:39 Officer Figol: "81 I copy."

11:01:58 Officer McGowan and a team of officers are at Yogananda Street: (Newtown radio)

Newtown Lt Vanghele: "4 (Lt Vanghele) to 67 (Officer McGowan)."

11:02:02 Officer McGowan: "Go ahead."

11:02:06 Newtown Lt Vanghele: "What's your status at that uh residence?"

11:02:11 Officer McGowan: "We are evacuating either side and across the street and then securing."

11:02:18 Newtown Lt Vanghele: "Now there were people inside?"

11:02:21 Officer McGowan: "We do not know at this time, we just arrived on scene and are evacuating each side."

11:02:29 Newtown Lt Vanghele: "Roger... just uh keep me informed."

11:02:33 Officer McGowan: "Roger."

11:03:32 Officer Greco has interviewed the surviving children from [REDACTED], who were brought to the PD, and obtained a possible description of the shooter: (Newtown radio)

Officer Greco: "94 to S6 (Sgt Kullgren)."

11:03:35 Newtown Sgt Kullgren: "Go ahead."

11:03:37 Officer Greco: "Do you have a description?"

11:03:47 Newtown Sgt Kullgren: "Of what?"

11:04:31 Newtown Dispatcher Barocsi: "We have a witness here at the PD, what is your pleasure?"

11:04:39 Newtown Sgt Kullgren: "99 (Hayes) take their information ...and standby."

11:04:47 Newtown Dispatcher Barocsi: "Roger, they say they have a description of the individual."

11:06:31 Officer Greco: "94, do you need a description of the perpetrator?"

11:06:54 Newtown Sgt Kullgren: "S6 to 94 (Officer Greco) give me a 72 (Newtown radio code for phone call)."

11:07:00 Officer Greco: "Roger."

11:16:17 Area of Yogananda is evacuated and a perimeter around the Lanza home has been set up for ESU: (Newtown radio)

Newtown Lt Vanghele: "4 (Lt Vanghele) to uh 67 (Officer McGowan)."

11:16:21 Officer McGowan: "Go ahead."

11:16:26 Newtown Lt Vanghele : "Update?"

11:16:27 Officer McGowan: "Homes around are evacuated, perimeter is up."

11:25:27 Efforts are being made to create a plan of accountability among the students, teachers, and parents: (Newtown radio)

Newtown Sgt Kullgren: "CSP is inquiring if we have the principal, assistant principal accounted for, and if they can assist as a liaison at the command center at the firehouse. "

11:25:45 Newtown Dispatcher Nute: "S6 (Sgt Kullgren) at this time the superintendent of schools has set up an office at the firehouse, the assistant superintendent is also en route to that location as far as I know."

11:26:09 Newtown Chief Kehoe: "1 HQ."

11:26:13 Newtown Dispatcher Nute: "Go ahead 1."

11:26:16 Newtown Chief Kehoe: "I have the superintendent here, what would you like us to do?"

11:26:29 Newtown Sgt Kullgren: "S6 to 1 HQ (Chief Kehoe), CSP is just requesting that they assist as a liaison at the command center for parents."

11:28:36 Area towns are offering police assistance to Newtown: (Newtown radio)

Newtown Dispatcher Nute: "New Canaan has offered their assistance, do you want me to pull two from them?"

11:28:45 Newtown Sgt Kullgren: "I have two Redding Officers here they are going to check with 4 HQ (Lt Vanghele) whether they assist with town calls, check with 4 HQ (LtVanghele)."

11:30:23 SHES is not deemed to be clear: (Newtown radio)

Newtown Chief Kehoe: "1 HQ to HQ."

11:30:33 Newtown Dispatcher Nute: "Go ahead 1 HQ (Chief Kehoe)."

11:30:36 Newtown Chief Kehoe: "Have we cleared the building yet?"

11:30:40 Newtown Dispatcher Nute: "S6 (Sgt Kullgren)."

11:30:49 Newtown Sgt Kullgren: "S6 to HQ, State Police SWAT team is searching school inch by inch right now, we have canine assisting."

11:31:06 Newtown Dispatcher Nute: "1 HQ (Kehoe) did you copy?"

11:31:10 Newtown Chief Kehoe: "Roger that."

11:31:15 Newtown Sgt Bahamonde: "S4 to HQ."

11:31:16 Newtown Dispatcher Nute: "S4 (Sgt Bahamonde)."

11:31:19 Newtown Sgt Bahamonde: "I am in the school and can confirm that the school has been checked three times over, and they are doing a fourth."

11:31:27 Newtown Dispatcher Nute: "1 HQ (Kehoe) did you copy?"

11:31:42 State's Attorney arrives at Newtown PD: (Newtown radio)

Officer Silver: "63 we are out with the State's Attorney."

11:31:46 Newtown Dispatcher Nute: "63 your message?"

11:31:50 Officer Silver: "State's Attorney is at headquarters."

11:36:15 Newtown Lt Sinko responds to SHES from his private duty assignment at the Monroe/Newtown line on Rt 25. (Lt Sinko's dash cam)

Newtown Lt Sinko: "3 HQ to 1 (Chief Kehoe), I'm on Church Hill, I'll be there shortly."

11:37:37 Decisions are being made regarding the location of the Command Post: (Newtown radio)

Newtown Sgt Wisentaner: "S3 to 3 HQ (Lt Sinko)."

11:37:43 Newtown Lt Sinko: "3 HQ."

11:37:46 Newtown Sgt Wisentaner: "Where is the Command Post?"

11:37:50 Newtown Lt Sinko: "Sandy Hook fire."

11:37:58 Newtown Sgt Wisentaner: "Can we move it out a little bit more so that we... so that other agencies can get in there, or what?"

11:38:05 Newtown Lt Sinko: "I am just arriving, so I will advise. I have to be briefed."

11:38:11 Newtown Sgt Wisentaner: "Roger."

11:39:08 Building plans for SHES have been found and are brought to the school: (Newtown radio)

Newtown Sgt Kullgren: "When you get a chance can you get some portable radio batteries down to the school please?"

11:39:14 Newtown Dispatcher Nute: "Received, confirm for me that you have the building plans."

11:39:20 Newtown Sgt Kullgren: "I do roger, thank you."

11:40:39 A Second Command Post is set up at Fairfield Hills: (Newtown radio)

Newtown Sgt Wisentaner: "S3 to 3 HQ (Lt Sinko)."

11:40:43 Newtown Lt Sinko: "3 go ahead."

11:40:47 Newtown Sgt Wisentaner: "Alright, the staging area, we are going to move to the EOC at Fairfield Hills. We have other agencies that are showing up with personnel that are not going to fit down there."

11:40:59 Newtown Lt Sinko: "Roger I am just meeting up with 1 HQ (Chief Kehoe) to coordinate."

11:41:06 Newtown Sgt Wisentaner: "Roger, just let him know, because they are flowing in now and we are not going to have room so I'm going to send them up there."

11:41:12 Newtown Lt Sinko: "Ok."

11:41:40 Additional assistance from area towns is received for patrol coverage: (Newtown radio)

11:41:58 Newtown Lt Vanghele: "4 HQ to HQ."

11:42:00 Newtown Dispatcher Barocsi: "4 (Lt Vanghele) go ahead."

11:42:04 Newtown Lt Vanghele: "There are approximately three Bethel officers that are going to be coming to the.. uh.. headquarters. If you can use them for calls for service, starting with seven Washington Avenue, if there are any other calls backed up."

11:42:18 Newtown Dispatcher Barocsi: "Roger, do those Bethel Officers have our frequency?"

11:42:25 Newtown Lt Vanghele: "They do not have our frequency, there should be some spare radios in the classroom."

11:42:31 Newtown Dispatcher Barocsi: "Received."

11:43:48 ESU is en route to Yogananda Street: (Newtown radio)

Newtown Lt Vanghele: "67 (Officer McGowan)."

11:43:51 Officer McGowan: "67."

11:43:54 Newtown Lt Vanghele: "Who do you have there from SP?"

11:43:59 Officer McGowan: "I've got four (4) CSP on scene as well as 91 (Officer McCluskey)"

11:44:07 Newtown Lt Vanghele: "Are they uniform or SRT?"

11:44:11 Officer McGowan: "I came up with all uniform."

11:44:16 Newtown Lt Vanghele: "Roger, is that number thirty six?"

11:44:19 Officer McGowan: "Roger thirty six."

11:45:03 Newtown Lt Vanghele: "4 HQ to 67 (Officer McGowan)."

11:45:07 Officer McGowan: "Go ahead 4 HQ (Lt Vanghele)."

11:45:11 Newtown Lt Vanghele: "SP uh, SRT team will be on their way there. They should be there in 10 minutes."

11:45:19 Officer McGowan: "Roger when they get there, they will have their CSP out in front."

11:45:25 Newtown Lt Vanghele: "Roger."

11:45:36 Arrangements are made to set up PIO at Treadwell Park: (Newtown radio)

Newtown Lt Sinko: "3 HQ to S3 (Sgt Wisentaner)."

A-565
A 114

11:45:44 Newtown Sgt Wisentaner: "S3 headquarters."

11:45:47 Newtown Lt Sinko: "Alright we are going to set up PIO at Treadwell park we are in the process of coordinating that now, I am with CSP and we will be there shortly."

11:46:00 Newtown Sgt Wisentaner: "Roger."

11:46:14 Information relayed that SHES does not have security cameras: (Newtown radio)

Officer Penna: "See if you can get a hold of S7 (Officer Santucci) or 4 HQ (Lt Vanghele). They were inquiring about video cameras at Sandy Hook School. There are no video cameras that record. The only camera they have is to let people in with the call button, which does not record."

11:46:29 Newtown Sgt Wisentaner: "Roger."

11:46:58 Newtown Sgt. Kullgren: "S6 to D5 (Officer Penna), I copy that transmission, thank you."

EXHIBIT P

A-567

DOCKET NO.: DBD CV15 6016722-S

: SUPERIOR COURT

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR

: J.D. OF DANBURY

V.

: AT DANBURY

THE TOWN OF NEWTOWN, ET AL.

: NOVEMBER 1, 2017

AFFIDAVIT OF ATTORNEY DEVIN W. JANOSOV

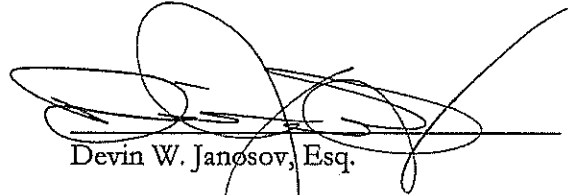
Being duly deposed and sworn I state the following under oath:

1. I understand and believe in the meaning and obligation of an oath.
2. I am making the following statements from personal knowledge and of my own free act and deed.
3. I have not been promised anything in exchange for my statements herein.
4. I make the following statements under oath.
5. Evidence items A, B, C, D, E, I, J, L, M, and O attached the Plaintiffs' Objection to Motion for Summary Judgment were provided to the Plaintiff by the Defense in Discovery, represent party admissions in most cases, but are what they purport to be and have not been altered, or amended, besides the placement of deposition identification stickers in non-invasive locations, since they were so provided.
6. Exhibits I, J, M, and O attached to the Plaintiffs' Objection to Motion for Summary Judgment were also provided to the Plaintiffs directly by the Police and are what they

A.568

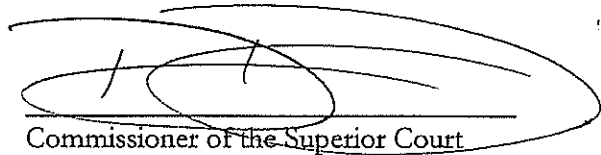
purport to be and have not been altered, or amended, besides the placement of deposition identification stickers in non-invasive locations, since they were so provided.

7. Exhibits F, G, and H attached to the Plaintiffs' Objection to Summary Judgment were provided to the Plaintiffs by the L.A. Times Legal Department, and are what they purport to be and have not been altered, or amended, besides the placement of deposition identification stickers in non-invasive locations, since they were so provided.



Devin W. Janosov, Esq.

Subscribed and sworn to me this 1ST day of NOVEMBER 20 17



Commissioner of the Superior Court

SCHEDULING ORDER BY AGREEMENT -
C50, T02, T03, T11, T12, T61, T69,
V01, V04, V09 CASES
JD-CV-141 Rev. 8-17

SUPERIOR COURT
CONNECTICUT JUDICIAL BRANCH
www.jud.ct.gov

Court Use Only

INDICTV

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Instructions

1. Complete all sections and file electronically as **Scheduling Order by Agreement - C50, T02, T03, T11, T12, T61, T69, V01, V04, V09 Cases** by the date and time set forth in the scheduling notice you received from the court.
2. All dates submitted must be within the time limits set forth in the notice you received from the court.
3. All counsel and self-represented parties of record must sign the fully completed form and keep a copy for their records.

Judicial district	Docket number	Case name	Return date
New Have	NNH CV15 6075650 S	Scarlette Lewis, et al. v. Newtown, et al.	01/27/2017

Case Type:

- | | |
|---|--|
| <input type="checkbox"/> C50 Uninsured/Underinsured Motorist Coverage | <input type="checkbox"/> T61 Animals - Dog |
| <input type="checkbox"/> T02 Defective Premises - Private - Snow or Ice | <input type="checkbox"/> T69 Animals - Other |
| <input type="checkbox"/> T03 Defective Premises - Private - Other | <input type="checkbox"/> V01 Motor Vehicles - Driver and/or Passenger(s) vs. Driver(s) |
| <input type="checkbox"/> T11 Defective Premises - Public - Snow or Ice | <input type="checkbox"/> V04 Motor Vehicles - Pedestrian vs. Driver |
| <input type="checkbox"/> T12 Defective Premises - Public - Other | <input type="checkbox"/> V09 Motor Vehicles - All Other |
| | <input checked="" type="checkbox"/> T90 All Other Torts |

Scheduling Order

For any pleading, motion or event that is not covered by this order, the provisions of the Practice Book and/or the General Statutes shall apply.

File, mark ready and argue all dispositive motions by
(must be argued at least 120 days prior to the proposed trial date): N/A

File certificate of closed pleadings (JD-CV-11) by: N/A

Complete all discovery by: 7.31.18 complete fact/party depos by 7.31.18; T's disclose experts

This case will be claimed to (check applicable): ☒ Jury Trial List ☐ Court Trial List 5.17.18

Jury cases only: Verdict will likely be (check applicable): ☐ Less than \$50,000 ☒ More than \$50,000 Δ's depose experts

Estimated length of trial
(include jury selection process, if applicable): 2-3 weeks including voir dire 6.30.18

Select 3 dates when all parties are available
for jury selection or court trial: (1) 08.28.2018 Δ's disclose experts

(2) 08.29.2018 6.30.18

(3) 07.31.2018 T's depose experts

Select a date for the pretrial (if applicable): 7.31.18

A trial management conference will be scheduled in advance of the trial.

A Motion for Continuance (Form JD-CV-21) must be filed if the parties are seeking to change the filing and response dates for dispositive motions, including motions for summary judgment, the trial management conference date or the jury selection/trial date. The parties may modify any other dates in the scheduling order by agreement. When the dates are modified, a revised scheduling order must be filed with the court. A Motion for Modification of the Scheduling Order must be filed only if the parties are unable to reach an agreement.

Any party may request a status/scheduling conference with the individually assigned judge at any time by filing a Casflow Request (Form JD-CV-116).

Signed (Judge)	Date Issued
<hr/>	
Devin Janosov (Plaintiffs' Attorney)	
Printed name of attorney/self-represented party	Signature of attorney/self-represented party
Charles Deluca (Defendants' Attorney)	
Printed name of attorney/self-represented party	Signature of attorney/self-represented party
Monte Frank (Defendants' Attorney)	
Printed name of attorney/self-represented party	Signature of attorney/self-represented party

A-570

DOCKET NO. CV-15-6075650-S

SUPERIOR COURT

SCARLETT LEWIS, ADMINISTRATRIX
OF THE ESTATE OF JESSE LEWIS
AND LEONARD POZNER,
ADMINISTRATOR OF THE ESTATE
OF NOAH POZNER

JUDICIAL DISTRICT OF NEW HAVEN

AT NEW HAVEN
Judicial District of New Haven
SUPERIOR COURT
FILED

MAY - 7 2018

V.

NEWTOWN BOARD OF EDUCATION
AND TOWN OF NEWTOWN

MAY 7, 2018

CHIEF CLERK'S OFFICE

MEMORANDUM OF DECISION
MOTION FOR SUMMARY JUDGMENT (#162)

STATEMENT OF CASE AND PROCEDURAL HISTORY

This action arises out of the tragic deaths of the plaintiffs' decedents, Jesse Lewis and Noah Pozner. The plaintiffs, Scarlett Lewis, administratrix of the estate of Jesse Lewis, and Leonard Pozner, administrator of the estate of Noah Pozner, bring this wrongful death action against the defendants, the Newtown Board of Education (board) and the town of Newtown (town). On June 30, 2017, the defendants moved for summary judgment on the ground that the plaintiffs' claims fail as a matter of law. Specifically, the defendants argue that: (1) there is no genuine issue of material fact regarding whether they are negligent; (2) they are entitled to governmental immunity; (3) an intervening criminal act was the proximate cause of the decedents' deaths; and (4) the plaintiffs failed to produce expert testimony necessary to support their claims.¹ On November 11, 2017, the plaintiffs countered that the defendants failed to establish that there are no genuine issues of material fact and, thus, are not entitled to judgment as a matter of law. The parties submitted numerous exhibits in support of and in opposition to

¹The defendants had additionally moved for summary judgment on the ground that the plaintiffs' claims were barred by General Statutes § 52-557n (b) (6) because their alleged acts or omissions were not the direct cause of the deaths of the plaintiffs' decedents. The defendants withdrew this argument in recognition of our Supreme Court's holding in *Elliot v. Waterbury*, 245 Conn. 385, 715 A.2d 27 (1998), in which the court held that § 52-557n (b) (6) does not establish a sole proximate causation or a direct causation standard. *Id.*, 393.

A.571

162.40

the motion for summary judgment,² and the defendants filed a reply to the plaintiffs' objection on November 15, 2017. Oral argument on the motion was heard by this court on January 8, 2018.³

FACTS

The tragic events of December 14, 2012, are undisputed⁴ by the parties, having been the subject of intense media scrutiny and a long and thorough investigation. On December 14, 2012, the doors to Sandy Hook Elementary School (school) were locked at 9:30 a.m., as they were every morning. (Revised Third Compl., Ct. 1, ¶ 15; Defs.' Mot. Summ. J., Ex. A, ¶ 32; Pls.' Mem. Opp'n, Ex. M pp. 5, 9). On that day, at 9:30 a.m., planning and placement team (PPT) meeting took place in room nine, attended by Principal Dawn Hochsprung, School Psychologist

² The defendants submit the following exhibits: affidavit of Mark Pompano, Newtown Public Schools' Director of Security (Exhibit A); Newtown Public Schools Emergency Lockdown Guidelines for faculty and staff (Exhibit B); affidavit of Kris Feda, a teacher at the school (Exhibit C); affidavit of Natalie Hammond, a teacher at the school (Exhibit D); affidavit of Kathryn Cunningham, a teaching intern at the school (Exhibit E); affidavit of Richard Thorne, Jr., a school custodian (Exhibit F); a map of the school layout (Exhibit G); and a copy of the Plaintiffs' Supplemental Compliance with Defendants' Interrogatories and Requests for Production (Exhibit H). The plaintiffs submit the following exhibits: District Contact Information and Incident Command System and Guidelines (Exhibit A); town of Newtown Emergency Operations Plan, School Emergency section (Exhibit B); Sandy Hook Elementary School Emergency Response Plan (Exhibit C); Newtown Public Schools Emergency Lockdown Guidelines for faculty and staff (Exhibit D); monthly fire drills reports (Exhibit E); Hartford Courant article titled "Schools Told To Give Substitutes Keys" (Exhibit F); two affidavits of Emily Lukasiewicz, employee of Hartford Courant (Exhibits G & H); State Police evidence log (Exhibit I); affidavit of Newtown Police Chief Michael Kehoe (Exhibit J); affidavit of private investigator Benedict Frosceno (Exhibit K); a copy of an e-mail sent by Mark Pompano (Exhibit L); report of the State's Attorney for the Judicial District of Danbury (Exhibit M); certified transcript of Kenneth Trump's deposition (Exhibit N); State Police time line (Exhibit O); and an affidavit of plaintiffs' attorney (Exhibit P). The defendants submit the affidavit of Janet Robinson with their reply brief.

³By an order dated December 18, 2017 (#162.20), the plaintiffs were permitted to file a supplemental affidavit of the author of the Hartford Courant article, limited solely to statements attributed to Janet Robinson in said article. The plaintiffs instead filed a surreply with additional exhibits. The court does not consider this memorandum because it was outside the scope of its order and in violation of Practice Book § 11-10 (c) ("[s]urreply memoranda cannot be filed without the permission of the judicial authority").

⁴See the Defs.' Answer to the Plaintiffs' Revised Third Compl. (#152).

Mary Scherlach, a parent, and other staff. (Revised Third Compl., Ct. 1, ¶¶ 20-21; Defs.' Mem. Summ. J., Ex. C ¶¶ 16, 18; Defs.' Mem. Summ. J., Ex. D ¶¶ 17; Pls.' Mem. Opp'n, Ex. M p. 9). At approximately 9:35 a.m., Adam Lanza (Lanza) shot his way into the school through a plate glass window located next to the school doors. (Revised Third Compl., Ct. 1, ¶ 18; Defs.' Mot. Summ. J., Ex. F ¶¶ 5-7; Pls.' Mem. Opp'n, Ex. M pp. 9, 11).

Hochsprung and Scherlach were shot and killed upon leaving room nine to investigate, and then Natalie Hammond was shot and injured before crawling back into room nine. (Revised Third Compl., Ct. 1, ¶¶ 20-21; Defs.' Mot. Summ. J., Ex. D ¶¶ 22-24; Pls.' Mem. Opp'n, Ex. M p. 9). Lanza then entered and exited the main office, without shooting anyone in the office, and proceeded to classrooms eight and ten. (Revised Third Compl., Ct. 1, ¶ 24; Pls.' Mem. Opp'n, Ex. M p. 2). The order in which he entered these classrooms is not known, but while in the classrooms, he shot and killed four adults and twenty first-grade students with a rifle. (Revised Third Compl., Ct. 1, ¶ 28; Pls.' Mem. Opp'n, Ex. M pp. 2, 5, 10). The plaintiffs' decedents were two of the students killed. Lanza then took his own life at approximately 9:40 a.m. (Revised Third Compl., Ct. 1, ¶ 28; Defs.' Mot. Summ. J., Ex. F ¶ 14; Pls.' Mem. Opp'n, Ex. M pp. 10-12).

In their revised third complaint, filed on September 1, 2016, the plaintiffs allege that the defendants had a ministerial duty to create, enforce, and abide by a collection of rules and regulations regarding the management of the school and to ensure student safety pursuant to General Statutes §§ 10-220, 10-220f, and 10-221. The plaintiffs allege that the defendants were negligent because they (1) failed to provide the school with doors that could be locked from the inside; (2) failed to train and supervise staff in the proper way to implement the lockdown and evacuation procedures; (3) failed to provide certain teachers with keys to the classrooms or training concerning the lockdown procedures; (4) failed to provide a security guard or other type of law enforcement personnel to assist in the implementation of the policies and procedures; (5) failed to remove a non-safety glass window next to the locked doors; and (6) failed to follow their own guidelines regarding school safety by failing to provide adequate equipment and training to faculty and staff in accordance with §§ 10-220, 10-220f, and 10-221. The plaintiffs

allege that the safety protocols instituted by the defendants were ministerial, but that the defendants failed to provide the faculty and staff of the school with the necessary information, tools, and training to properly implement them. The plaintiffs further allege that the faculty and staff were, therefore, unable to implement the required safety protocols on December 14, 2012, even though harm was imminent and apparent, which resulted in the deaths of the plaintiffs' decedents. The plaintiffs, therefore, seek to hold the defendants liable for the deaths of their decedents.

STANDARD OF REVIEW

"[S]ummary judgment shall be rendered forthwith if the pleadings, affidavits and any other proof submitted show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. . . . In deciding a motion for summary judgment, the trial court must view the evidence in the light most favorable to the nonmoving party." (Internal quotation marks omitted.) *Stuart v. Freiberg*, 316 Conn. 809, 820-21, 116 A.3d 1195 (2015). "In seeking summary judgment, it is the movant who has the burden of showing the nonexistence of any issue of fact. The courts are in entire agreement that the moving party for summary judgment has the burden of showing the absence of any genuine issue as to all the material facts, which, under applicable principles of substantive law, entitle him to a judgment as a matter of law." (Internal quotation marks omitted.) *Rompney v. Safeco Ins. Co. of America*, 310 Conn. 304, 319-20, 77 A.3d 726 (2013). "Once the moving party has met its burden . . . the opposing party must present evidence that demonstrates the existence of some disputed factual issue." (Internal quotation marks omitted.) *Ferri v. Powell-Ferri*, 317 Conn. 223, 228, 116 A.3d 297 (2015).

"To satisfy his burden the movant must make a showing that it is quite clear what the truth is, and that excludes any real doubt as to the existence of any genuine issue of material fact. . . . When documents submitted in support of a motion for summary judgment fail to establish that there is no genuine issue of material fact, the nonmoving party has no obligation to submit documents establishing the existence of such an issue. . . . Once the moving party has met its burden, however, the opposing party must present evidence that demonstrates the existence of

some disputed factual issue. . . . It is not enough, however, for the opposing party merely to assert the existence of such a disputed issue. Mere assertions of fact . . . are insufficient to establish the existence of a material fact and, therefore, cannot refute evidence properly presented to the court under Practice Book § [17-45].” (Internal quotation marks omitted.) Id.

DISCUSSION

I

GOVERNMENTAL IMMUNITY

The defendants move for summary judgment as to all counts of the plaintiffs’ revised third complaint on the ground that there are no genuine issues of material fact that they are entitled to governmental immunity for their discretionary acts and that there are no applicable exceptions to this immunity pursuant to General Statutes § 52-557n (a) (2) (B). The court notes that, apart from a couple of passing references to § 10-220f, once in a rhetorical question, the plaintiffs do not discuss nor counter in their objection that the three statutes they alleged in their revised third complaint impose ministerial duties on the defendants. In fact, the plaintiffs make no argument in their objection to the defendants’ motion for summary judgment that the defendants had a ministerial duty to train and supervise their staff, hire a security guard, or put in specific or different windows and doors. To the contrary, the plaintiffs’ entire objection instead concerns the argument that safety protocols, created by the defendants, imposed a ministerial duty on the faculty and staff in the school that required that they commence a lockdown and implement related procedures, which is an entirely new theory of negligence than that being alleged in the operative complaint for the present motion, the plaintiffs’ revised third complaint.

“The pleadings determine which facts are relevant and frame the issues for summary judgment proceedings or for trial. . . . The principle that a plaintiff may rely only [on] what he has alleged is basic. . . . It is fundamental in our law that the right of a plaintiff to recover is limited to the allegations [in] his complaint.” (Citations omitted; internal quotation marks omitted.) *White v. Mazda Motor of America, Inc.*, 313 Conn. 610, 621, 99 A.3d 1079 (2014). In the present case, the plaintiffs’ theory of negligence articulated in their revised third complaint, is premised on allegations regarding acts and omissions by the board and the town *before*

December 14, 2012, rather than acts and omissions of the faculty and staff in the school *during* the shooting on December 14, 2012. Although the plaintiffs allege that the safety policies and procedures were ministerial, and not implemented by the faculty and staff, the revised third complaint is replete with allegations that negligence occurred as a result of the defendants' conduct. In other words, the plaintiffs allege that the safety protocols were not implemented and others were rendered ineffective *because* the board and the town *failed to provide adequate equipment and training* to the faculty and staff to implement the protocols *prior to* December 14, 2012. The plaintiffs' assertions in their objection that the *faculty and staff* were negligent in *failing to implement and follow* the safety protocols on December 14, 2012, sets forth a new theory of liability not previously alleged.

The gravamen of the plaintiffs' revised third complaint concerns the actions and inactions of the board and the town before the shooting occurred and the court notes it is only now, in response to the defendants' motion for summary judgment, that the plaintiffs assert that the board and the town are liable for the faculty and staff's actions and inactions during the shooting. The court finds that it is improper for the plaintiffs to raise an entirely new, alternative theory of liability for the first time in an opposition to the defendants' motion for summary judgment when it had not been pleaded in the revised third complaint. *White v. Mazda Motor of America, Inc.*, supra, 313 Conn. 629. If the plaintiffs had sought to hold the defendants liable for the acts or omissions of its employees in the school, then they were required to plead such a theory of liability in their revised third complaint or seek leave to further amend their complaint. Having failed to do so, the court will not consider the arguments raised by the plaintiffs asserting this new theory of liability. See *Moeller v. St. Luke's Foundation, Inc.*, Superior Court, judicial district of Stamford-Norwalk, Docket No. X08-CV-04-0199334-S (June 27, 2007, *Jennings, J.*) (“[a] court is not required to reach the merits of a claim or argument raised for the first time in a memorandum in opposition to summary judgment” when “that theory is not pleaded in the complaint”).

A

Ministerial or Discretionary Acts

The court, therefore, now turns to the well-settled principles regarding governmental immunity relevant to the resolution of the defendants' motion for summary judgment and the allegations as pleaded in the plaintiffs' revised third complaint. "[U]nder General Statutes § 52-557n, a municipality may be liable for the negligent acts or omissions of a municipal officer acting within the scope of his or her employment or official duties. . . . The determining factor is whether the act or omission was ministerial or discretionary. . . . [Section] 52-557n (a) (2) (B) . . . explicitly shields a municipality from liability for damages to person or property caused by the negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law. . . . In contrast, municipal officers are not immune from liability for negligence arising out of their ministerial acts, defined as acts to be performed in a prescribed manner without the exercise of judgment or discretion. . .

"Discretionary acts are treated differently from ministerial acts in part because of the danger that a more expansive exposure to liability would cramp the exercise of official discretion beyond the limits desirable in our society. . . . [D]iscretionary act immunity reflects a value judgment that—despite injury to a member of the public—the broader interest in having government officials and employees free to exercise judgment and discretion in their official functions, unhampered by fear of second-guessing and retaliatory lawsuits, outweighs the benefits to be had from imposing liability for that injury." (Citations omitted; internal quotation marks omitted.) *Hull v. Newtown*, 327 Conn. 402, 407-408, 174 A.3d 174 (2017). "The hallmark of a discretionary act is that it requires the exercise of judgment. . . . If by statute or other rule of law the official's duty is clearly ministerial rather than discretionary, a cause of action lies for an individual injured from allegedly negligent performance. . . . [M]inisterial refers to a duty which is to be performed in a prescribed manner without the exercise of judgment or discretion." (Internal quotation marks omitted.) *Mills v. Solution, LLC*, 138 Conn. App. 40, 48, 50 A.3d 381 (2012).

“Whether conduct is ministerial or discretionary may be determined as a matter of law”; *Smart v. Corbitt*, 126 Conn. App. 788, 800, 14 A.3d 368, cert. denied, 301 Conn. 907, 19 A.3d 177 (2011); although this determination is ordinarily a question of fact. See *Strycharz v. Cady*, 323 Conn. 548, 565, 143 A.3d 1011 (2016). “[T]here are cases [in which] it is apparent from the complaint . . . [that the nature of the duty] . . . turns on the character of the act or omission complained of in the complaint. . . . Accordingly, [when] it is apparent from the complaint that the defendants’ allegedly negligent acts or omissions necessarily involved the exercise of judgment, and thus necessarily were discretionary in nature, summary judgment is proper.” (Internal quotation marks omitted.) *Id.*

In the present case, the defendants argue that the acts and omissions alleged in the plaintiffs’ revised third complaint were discretionary, and that the plaintiffs have not articulated any statute, directive, or rule limiting the exercise of discretion. Specifically, the defendants argue that the training and supervision of staff was inherently discretionary, and that decisions regarding such things as whether to employ a security guard, and what types of doors or windows to utilize required the exercise of judgment. Moreover, the defendants assert that the statutes cited by the plaintiffs in their revised third complaint do not impose any kind of ministerial duty.

Our Supreme Court has recognized that managing and supervising school employees is a discretionary duty. *Strycharz v. Cady*, supra, 323 Conn. 569. “Although no Connecticut appellate tribunal has had an opportunity to examine whether general supervision of employees in a public school setting is a discretionary or ministerial function, several of our sister states have concluded that supervision of school personnel is a discretionary function. . . . In addition, both state and federal courts that have considered the issue in a different municipal or governmental setting also have concluded that general employee supervision is a discretionary function. . . . We agree with the rationale expressed in the foregoing cases. Furthermore, it is axiomatic that public school administrators perform a difficult . . . and . . . vitally important job in our society. . . . Because of the vital importance of their function to society, school administrators undoubtedly must be accorded substantial discretion to oversee properly their myriad responsibilities.” (Citations omitted; internal quotation marks omitted.) *Id.*, 567-69.

Similarly, the supervision of students is generally considered a discretionary act. See, e.g., *Rigoli v. Shelton*, Superior Court, judicial district of Ansonia-Milford, Docket No. CV-09-5007920-S (February 6, 2012, *Hiller, J.*) (53 Conn. L. Rptr. 466, 467) (“[w]hen presented with the issues of supervision of students, implementation of school policies and the control and management of a school and its students, Superior Courts have generally held that these . . . [duties] are carried out through discretionary acts”); *Romanella v. Nielson*, Superior Court, judicial district of New London, Docket No. CV-06-5100163-S (May 27, 2009, *Abrams, J.*) (“Connecticut law . . . considers the supervision of students a discretionary act”); *LaPerle v. Woodstock Academy*, Superior Court, judicial district of Windham, Docket No. CV-06-5000370-S (June 5, 2007, *Martin, J.*) (43 Conn. L. Rptr. 531, 532) (“[t]he duty of a [town board of education] to supervise students is discretionary rather than ministerial”).

Thus, the foregoing authorities demonstrate that the acts and omissions alleged in the plaintiffs’ revised third complaint are to be considered discretionary unless the plaintiffs can identify a statute, policy, or rule limiting the exercise of such discretion. See *Benedict v. Norfolk*, 296 Conn. 518, 520 n.4, 997 A.2d 449 (2010) (“for the purposes of § 52-557n, municipal acts that would otherwise be considered discretionary will only be deemed ministerial if a policy or rule limiting discretion in the completion of such acts exist”). The only source the plaintiffs allege in their revised third complaint that ostensibly create a ministerial duty are three referenced statutes: §§ 10-220, 10-220f, and 10-221. A plain reading of these statutes; see General Statutes § 1-2z; however, reveals that none of these sections limited the defendants’ exercise of discretion in their supervision and management of the school or imposed clear, ministerial duties on the defendants with regards to the type of security measures or protocols they were to implement.

Section 10-220 sets forth the duties of all boards of education but does not prescribe the manner in which these duties are to be performed. Moreover, § 10-220 does not even mention safety protocols or procedures, apart from stating that boards of education shall provide a safe school setting. General Statutes § 10-220 (a) (4). Section 10-220f simply provides that local and regional boards of education *may* establish a school safety committee, but does not mandate that

such a committee be established. Additionally, § 10-220f does not prescribe how a board of education should manage the establishment, and subsequent running of, the school safety committee. Although § 10-220f states that “[p]arents and high school students shall be included in the membership of such committees,” it does not mandate how many parents and high school students are to be included or how to choose them. Finally, § 10-221 pertains to policies and procedures regarding the textbooks to be used, management of school library media centers, homework, attendance, alcohol and drug issues, and other such things. See General Statutes § 10-221 (a) - (f). This statute, however, does not relate to security protocols, school design, or how faculty and staff are to be trained and equipped to implement security protocols. The plaintiffs present no argument or evidence to contradict this analysis. In sum, §§ 10-220, 10-220f, and 10-221 do not impose clear, ministerial duties on the defendants and, thus, the acts and omissions detailed in the plaintiffs’ revised third complaint are discretionary. Therefore, the defendants are immune from liability absent an applicable exception to discretionary act immunity.

B

Exceptions to Discretionary Act Immunity

There are three exceptions to discretionary act immunity,⁵ but only one is relevant to this action and which the plaintiffs raise: the identifiable person, imminent harm exception. “The exception requires three elements: (1) an imminent harm; (2) an identifiable victim; and (3) a public official to whom it is apparent that his or her conduct is likely to subject that victim to that harm [Our Supreme Court] [has] stated previously that this exception to the general rule of governmental immunity has received very limited recognition in this state. . . . If the plaintiffs fail to establish any one of the three prongs, this failure will be fatal to their claim that they come

⁵“Liability for a municipality’s discretionary act is not precluded when (1) the alleged conduct involves malice, wantonness or intent to injury; (2) a statute provides for a cause of action against the municipality or municipal official for failure to enforce certain laws; or (3) the circumstances make it apparent to the public officer that his or her failure to act would be likely subject to an identifiable person to imminent harm” (Internal quotation marks omitted.) *St. Pierre v. Plainfield*, 326 Conn. 420, 434 n.13, 165 A.3d 148 (2017).

within the imminent harm exception.” (Internal quotation marks omitted.) *St. Pierre v. Plainfield*, 326 Conn. 420, 435, 165 A.3d 148 (2017). “[T]he proper standard for determining whether a harm was imminent is whether it was apparent to the municipal defendant that the dangerous condition was so likely to cause harm that the defendant had a clear and unequivocal duty to act immediately to prevent the harm.” (Internal quotation marks omitted.) *Martinez v. New Haven*, 328 Conn. 1, 9, 176 A.3d 531 (2018). A harm is not imminent if it “could have occurred at any future time or not at all.” *Evon v. Andrews*, 211 Conn. 501, 508, 559 A.2d 1131 (1989). “[T]he adoption of a rule of liability where some kind of harm may happen to someone would cramp the exercise of official discretion beyond the limits desirable in our society.” (Internal quotation marks omitted.) *Id.*

In the present case, no reasonable jury could find that the plaintiffs’ decedents were subject to imminent harm at the time of the defendants’ allegedly negligent conduct in creating school policies; training its faculty and staff in those policies; not hiring a security guard; not removing a plate-glass window; or choosing classroom doors that do not lock from the inside. In *Evon*, the plaintiffs brought a wrongful death action after their decedents died in an apartment fire, and alleged that the city and its officials failed to adequately inspect the premises, which the plaintiffs alleged violated various fire and housing codes. After concluding that the acts alleged were discretionary, the court turned to the plaintiffs’ claim that their decedents were discrete, readily identifiable, and subject to imminent harm. *Evon v. Andrews*, *supra*, 211 Conn. 507. The court concluded that the plaintiffs’ decedents did not fall within the exception, reasoning: “The gravamen of the plaintiffs’ allegations is that the defendants had not done enough to prevent the occurrence of a fire. The risk of fire implicates a wide range of factors that can occur, if at all, at some unspecified time in the future. The class of possible victims of an unspecified fire that may occur at some unspecified time in the future is by no means a group of ‘identifiable persons’ Furthermore, the plaintiffs’ decedents were not subject to ‘imminent harm.’ . . . In the present instance, the fire could have occurred at any future time or not at all. We cannot accept the proposition that the plaintiffs’ decedents in this case were readily identifiable victims subject to imminent harm.” *Id.*, 507-508.

Like the fire in *Evon*, the shooting could have occurred at any future time or not at all. Moreover, any number of emergencies regarding these policies and training could have occurred at some unspecified time in the future. There are such a wide array of scenarios that could implicate a wide range of factors that can occur, if at all, at some unspecified time in the future; *Evon v. Andrews*, supra, 211 Conn. 508; and it simply cannot be said that a risk of such magnitude existed so as to give rise to a clear duty to act immediately to obviate the risk. See *Brooks v. Powers*, 328 Conn. 256, 276, 178 A.3d 366 (2018) (“if a harm is not so likely to happen that it gives rise to a clear duty to correct the dangerous condition creating the risk of harm immediately upon discovering it, the harm is not imminent” [internal quotation marks omitted]). Thus, this exception does not apply, and the plaintiffs’ claims against the defendants are barred by governmental immunity.

II

New Theory of Liability

In light of the fact that both parties have briefed these issues extensively, the court will address the plaintiffs’ arguments in their objection to the defendants’ motion for summary judgment that the board’s and the town’s security protocols and policies imposed a ministerial duty on the defendants’ faculty and staff to act in a prescribed manner in responding to the shooting during the attack. The court notes that the plaintiffs do not allege that any statutes, ordinances, or rules of law prescribe that these protocols are ministerial. See *Mills v. Solution, LLC*, supra, 138 Conn. App. 52. Resolution of this question depends on the interpretation of the security protocols and guidelines provided to the plaintiffs by the defendants during discovery.

“[W]here a question turns on the interpretation of a municipal ordinance or policy, it is inappropriate for a jury to decide.” *Ventura v. East Haven*, 170 Conn. App. 388, 403, 154 A.3d 1020, cert. granted, 325 Conn. 905, 156 A.3d 537 (2017). Rather, “[a]s with any issue of statutory construction, the interpretation of a charter or municipal ordinance presents a question of law” (Internal quotation marks omitted.) *Kelly v. New Haven*, 275 Conn. 580, 607, 881 A.2d 978 (2005). Principles of statutory construction will therefore guide the court’s analysis of the lockdown guidelines and other documents relating to emergency response and operation. See

Honulik v. Greenwich, 293 Conn. 698, 710, 980 A.2d 880 (2009) (observing that “[p]rinciples of statutory construction govern our interpretation of the town policy manual and pay plan”); see also *Hull v. Newtown*, supra, 327 Conn. 404-405 (determining whether certain Newtown Police Department policies and procedures imposed ministerial duty to search individual); *Coley v. Hartford*, 312 Conn. 150, 152-54, 95 A.3d 480 (2014) (determining whether police response procedures imposed ministerial duty to remain at scene).

“The principles that govern statutory construction are well established. When construing a statute, [o]ur fundamental objective is to ascertain and give effect to the apparent intent of the legislature. . . . In other words, we seek to determine, in a reasoned manner, the meaning of the statutory language as applied to the facts of [the] case, including the question of whether the language actually does apply. . . . In seeking to determine that meaning, General Statutes § 1-2z directs us to first consider the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered. . . . When a statute is not plain and unambiguous, we also look for interpretive guidance to the legislative history and circumstances surrounding its enactment, to the legislative policy it was designed to implement, and to its relationship to existing legislation and common law principles governing the same general subject matter

“The principles of statutory construction favor a rational and sensible [result]. . . . The unreasonableness of the result obtained by the acceptance of one possible alternative interpretation of an act is a reason for rejecting that interpretation in favor of another which would provide a result that is reasonable. . . . When two constructions are possible, courts will adopt the one which makes the statute effective and workable, and not one which leads to difficult and possibly bizarre results.” (Citation omitted; internal quotation marks omitted.) *Ventura v. East Haven*, supra, 170 Conn. App. 404-405.

A

Ministerial or Discretionary Acts

In the present case, the plaintiffs argue that there were numerous policies and protocols

that looked at as a whole, created ministerial duties, that required faculty and staff to commence a lockdown and implement the security policies and protocols. There were two sets of procedures contained within the Newtown Public Schools Emergency Lockdown Guidelines for Faculty and Staff (lockdown guidelines): guidelines for a potential threat (general guidelines) and guidelines for when a threat was inside the building (code blue guidelines). The parties both agree that the code blue guidelines are most applicable to these claims; Defs.' Mem. Summ. J., p. 20; Pls.' Mem. Opp'n., p. 9; however, the plaintiffs contend that the code blue guidelines must be construed in light of the general guidelines as well as all the other emergency preparedness documents.

The court notes that a majority of these documents, submitted by the plaintiffs, are irrelevant as they do not concern whether the faculty and staff had a ministerial duty to act in a prescribed manner in responding to Lanza. As will be explained more fully below, contrary to the plaintiffs' position, construing the general guidelines, code blue guidelines, and the other emergency preparedness documents as imposing ministerial duties on the faculty and staff would lead to bizarre and unworkable results. Said guidelines and procedures were discretionary.

Emergencies, by their very nature, are sudden and often rapidly evolving events, and a response can never be one hundred percent scripted and directed,⁶ and is a significant reason why police officers have been afforded broad discretion. See, e.g., *County v. Lewis*, 523 U.S. 833, 853, 118 S. Ct. 1708, 140 L. Ed. 2d 1043 (1998) (police have to make decisions "in haste, under pressure, and frequently without the luxury of a second chance" [internal quotation marks omitted]); *Smart v. Corbitt*, supra, 126 Conn. App. 801 ("responding to a public emergency . . . is a typical police officer function" that requires police officers to use judgment and make split-second decisions). To say that the faculty and staff of the school were to act in a prescribed manner in responding to an emergency situation would likewise be illogical and in direct

⁶The plaintiffs present as evidence the deposition of the defendants' expert, Kenneth Trump. In discussing guidelines and using common sense in responding to the situation, he stated "The phrase that's used often is, You can't script every crisis." Pls.' Mem. Opp'n, Ex. N, 104:4-104:6.

contradiction to the very purpose of governmental immunity: allowing for the exercise of judgment without the fear of second-guessing. See *Edgerton v. Clinton*, 311 Conn. 217, 228 n.10, 86 A.3d 437 (2014).

It is clear that the code blue guidelines contain what is generally considered discretionary or qualifying language. The code blue guidelines provide in part: "Upon notification or personnel observation that an [imminent] emergency situation exists, it *may* become necessary for school administration to commence a 'Lockdown-Code Blue'. Generally, this order will be announced over the school's public address system Depending on circumstances however, the lockdown order *may* also be issued by telephone, two-way radio, and/or word of mouth."⁷ (Emphasis altered.) Defs.' Mem. Summ. J., Ex. B; Pls.' Mem. Opp'n, Ex. D. A sensible reading of this language suggests that implementation of these guidelines requires discretion in two parts: judgment is initially exercised in determining whether the commencement of a lockdown is necessary, and judgment is exercised in examining the circumstances and determining how to issue the code blue order. There is no language contained within the code blue guidelines that mandates that a lockdown be commenced and/or prescribes when a faculty or staff member should commence the same. Thus, the very act of commencing a lockdown pursuant to the code blue guidelines is of a discretionary nature.

The remainder of the code blue guidelines likewise lacks the kind of clear, directory language prescribing a ministerial manner of performance. The guidelines provide that upon a lockdown order, "staff *should* immediately gather students, and if not already, escort them inside a classroom or securable room" and "*should* quickly check the lavatory and escort any students found to your classroom or securable room," if their classroom is right next to a student bathroom. (Emphasis added.) Defs.' Mem. Summ. J., Ex. B; Pls.' Mem. Opp'n, Ex. D. Staff

⁷The general guidelines similarly provide in part: "Upon notification or personal observation that an emergency situation exists, it *may* become necessary for school administration to commence a 'lockdown' at any of our Newtown Public Schools. Generally, this order will be announced over the school's public address system. . . . However, depending on the circumstances, the lockdown order *can* also be given via telephone, two-way radio, and/or word of mouth." (Emphasis altered.) Defs.' Mem. Summ. J., Ex. B; Pls.' Mem. Opp'n, Ex. D.

members are told that they “*should* complete the following tasks,” once inside a securable location and those assigned to the cafeteria “*should* perform the following tasks, in addition to those mentioned above.”⁸ (Emphasis added.) Defs.’ Mem. Summ. J., Ex. B; Pls.’ Mem. Opp’n, Ex. D. The actions of the faculty and staff upon notification of a code blue lockdown are clearly described with qualifying language of “may” or “should,” indicating the ability to exercise judgment in performing the tasks. See *Ugrin v. Cheshire*, 307 Conn. 364, 392, 54 A.3d 532 (2012) (“[n]one of these comments constitutes a directive to the town giving rise to a ministerial duty because they all contain the qualifying words ‘should’ or ‘could,’ which indicates that the town had discretion to exercise its judgment in deciding whether to follow [the town counsel’s] advice”). The code blue guidelines also provide that staff members assigned to the cafeteria should “[u]se a megaphone to announce the lockdown, *if possible*” and “move students/occupants into the kitchen area, *if possible*.” (Emphasis added.) Defs.’ Mem. Summ. J., Ex. B; Pls.’ Mem. Opp’n, Ex. D. The use of the term “if possible” clearly qualifies these instructions, indicating that staff has discretion to exercise their judgment in determining how to proceed, in light of the situation and, whether it is safe or feasible to perform the tasks. See *Ugrin v. Cheshire*, supra, 392.

In addition to the qualifying language, the code blue guidelines do not prescribe any

⁸Although the general guidelines provide that “staff shall complete one or more of the following tasks,” and “[s]taff members assigned to the cafeteria during a lockdown shall perform the following tasks, in addition to those mentioned above”; Defs.’ Mem. Summ. J., Ex. B; Pls.’ Mem. Opp’n, Ex. D; this does not alter the court’s conclusion that the lockdown guidelines, and particularly the code blue guidelines, are discretionary. The mere use of the word shall does not automatically render a task or function ministerial. See, e.g., *Coley v. Hartford*, supra, 312 Conn. 169-71; *Mills v. Solution, LLC*, supra, 138 Conn. App. 51. As with the code blue guidelines, the general guidelines do not prescribe any particular manner or order of performance, suggesting that faculty and staff retain discretion in performing those tasks even under the general guidelines. Further, the initial determination to commence a lockdown is discretionary under either set of guidelines and, thus, the duty to perform those tasks under the general guidelines would be triggered only once a lockdown order has been given. See *Wright v. Brown*, 167 Conn. 464, 471-72, 356 A.2d 176 (1975) (finding that initial determination of whether dog had bitten person was discretionary but subsequent duty to quarantine for fourteen days following that determination was ministerial).

particular manner of performance. Faculty and staff are told that they "should immediately gather students, and if not already, escort them inside a classroom or securable room that can be locked and secured from the inside." (Emphasis omitted.) Defs.' Mem. Summ. J., Ex. B; Pls.' Mem. Opp'n, Ex. D. This language, however, does not mandate that the location must always be one that can be locked and secured from the inside, leaving room for the exercise of judgment in light of the circumstances. Further, it does not preclude the possibility that leaving the school might be a better option. The code blue guidelines further provide that "[i]f your classroom is immediately adjacent to a student lavatory, you should quickly check the lavatory and escort any students found to your classroom or securable room." (Emphasis omitted.) Defs.' Mem. Summ. J., Ex. B; Pls.' Mem. Opp'n, Ex. D. Again, these code blue guidelines do not require that this be done, thus, leaving room for faculty and staff to evaluate the circumstances and determine whether that is an available and safe course of action. This allows the faculty and staff to exercise their judgment and decide whether it is safe to check the bathrooms, if there is time do so and, after the check is completed, whether it is safe to leave the bathroom to go to a classroom. Finally, the code blue guidelines include a list of tasks to complete once inside a securable location, such as turn off lights and close the window blinds. All of these provisions, however, lack any language mandating the order in which to complete the tasks, how certain tasks are to be performed, or that all tasks must be performed.

The plaintiffs contend that the code blue guidelines cannot be interpreted as discretionary because of specific language within the policy and the emphasis placed on certain words and phrases by way of bolding and underlining throughout both the general and code blue guidelines. The bottom of the first page of the lockdown guidelines states: "**Failure to comply with these rules can ultimately jeopardize the safety of all persons inside the classroom or neighboring classrooms in the immediate proximity.**" (Emphasis in original.) The plaintiff contends that this statement clearly indicates that the faculty and staff were to strictly comply with the directions in both the general and code blue guidelines. The code blue guidelines state that "**ONLY** persons permitted in hallways or other non-securable locations inside the school building during a Lockdown-Code Blue are **law enforcement officers** from the Newtown Police

Department or Connecticut State Police. Staff members, including security officers, administration, and custodians must remain inside a secure location for the duration of the lockdown.” (Emphasis in original.) On the basis of these statements and the emphasis contained therein, the plaintiffs argue that faculty and staff were required to remain inside the secure location and that Hochsprung, Sherlach, and Hammond violated this requirement when they left the conference room to investigate what was occurring.

Certainly, viewed in isolation, these statements, in conjunction with the emphasis added, might be construed as mandating strict compliance with the code blue guidelines. Mandatory or forceful language, however, does not necessarily render a duty ministerial as opposed to discretionary. See *Coley v. Hartford*, supra, 312 Conn. 169. “The mere fact that a statute uses the word ‘shall’ in prescribing the function of a government entity or officer should not be assumed to render the function necessarily obligatory in the sense of removing the discretionary nature of the function, and it is therefore not sufficient that some statute contains mandatory language nor that the public entity or officer was under an obligation to perform a function that itself involves the exercise of discretion.” (Internal quotation marks omitted.) *Mills v. Solution, LLC*, supra, 138 Conn. App. 51; see also *Coley v. Hartford*, supra, 171 (“we decline the plaintiff’s invitation to parse the policy language so as to create a ministerial duty to remain at the scene notwithstanding the discretionary performance of that duty”). To be clear, the court is not discounting the weight of this language and that it urges faculty and staff to adhere to the code blue guidelines and remain in a secure location. The court, equally, cannot discount the realities of an emergency and the necessity of discretion in responding to one. This is precisely why we afford police broad discretion. See, e.g., *Coley v. Hartford*, supra, 165 (recognizing the “considerable discretion inherent in law enforcement’s response to an infinite array of situations implicating public safety on a daily basis”); see also *Gordon v. Bridgeport Housing Authority*, 208 Conn. 161, 180, 544 A.2d 1185 (1988) (“[t]he failure to provide, or the inadequacy of, police protection usually does not give rise to a cause of action in tort against a city” [internal quotation marks omitted]). Accordingly, as in *Coley* and *Mills*, the court will not parse the language of either the general or code blue guidelines to find a ministerial duty to follow them in a strict

manner absent any exercise of judgment.

Furthermore, the plaintiffs' interpretation of the general and code blue guidelines would lead to bizarre and unworkable results contrary to the principles of statutory construction. For instance, under the interpretation advanced by the plaintiffs, it is a ministerial duty for all faculty and staff to remain inside a secure location. The plaintiffs assert this because the general guidelines provide that only a school resource officer or law enforcement officers are allowed in the hallway or non-secure location and the code blue guidelines provide that only law enforcement officers are allowed in the hallways and non-secure locations. This would be an illogical requirement because it would inhibit the ability of faculty and staff to evaluate the circumstances and determine the best course of action to take to protect those in the school. For example, Richard Thorne, a custodian at the school, was on the line with a police dispatcher from the beginning of the attack until the police arrived. Defs.' Mot. Summ. J., Ex. F ¶¶ 6-10; Pls.' Mem. Opp'n, Ex. M p. 11. During that time, he relayed information to the dispatcher that was then relayed to the police. Pls.' Mem. Opp'n, Ex. O. Additionally, he cleared the hallway of staff and students in part of the school. Defs.' Mot. Summ. J., Ex. F ¶¶ 11-13. His actions kept the police informed and helped get people to safety but his actions would be considered in violation of a ministerial duty if the plaintiffs' interpretation of the general and code blue guidelines were to be adopted. The record indicates that some students and staff escaped the school, some by climbing out windows. See Pls.' Mem. Opp'n, Ex. M pp. 11, 13; Pls.' Mem. Opp'n, Ex. O pp. 2, 4. Said staff would have violated ministerial duties because they did not remain inside a secure location or because they opened a window rather than closed the window blinds and stayed out of sight if the plaintiffs' interpretation was adopted.

The plaintiffs' interpretation of these guidelines as strict, inflexible directives that must be adhered to in a prescribed manner, would place the faculty and staff in compromising situations, like the ones described above. See *Ugrin v. Cheshire*, supra, 307 Conn. 383. Instead, a reasonable and workable interpretation of the code blue guidelines; see *Ventura v. East Haven*, supra, 170 Conn. App. 404-405; is as a resource for faculty and staff, providing advice on how to respond to an emergency situation "rather than as strict policy directives that they were obligated

to adhere to without the exercise of discretion or independent judgment.” *Washburne v. Madison*, 175 Conn. App. 613, 626, 167 A.3d 1029 (2017). A “guideline” is commonly understood to reflect an informed suggestion or general instructions. See, e.g., *Washburne v. Madison*, supra, 626 (“[i]n common parlance, a ‘guideline’ is generally understood to reflect an informed suggestion”); *DiMiceli v. Cheshire*, Superior Court, judicial district of New Haven, Docket No. CV-11-6020016-S (March 13, 2014, *Fischer, J.*) (holding that United States Consumer Product Safety Commission’s Handbook for Public Playground Safety standards did not impose ministerial duties on defendant but were available for guidance), aff’d, 162 Conn. App. 216, 131 A.3d 771 (2016). Thus, in the absence of specific and clear directory language, the lockdown guidelines “were informative rather than mandatory in nature.” *Washburne v. Madison*, supra, 626.

“A ministerial duty on the part of an official often follows a quasi-judicial determination by that official *as to the existence of a state of facts*. Although the determination itself involves the exercise of judgment, and therefore is not a ministerial act, the duty of giving effect, by taking appropriate action, to the determination is often ministerial.” (Emphasis in original; internal quotation marks omitted.) *Smart v. Corbitt*, supra, 126 Conn. App. 801-802. Therefore, even assuming that performance of the tasks was a ministerial duty, whether under the general or code blue guidelines, the initial determination to commence a lockdown was a discretionary decision. See, e.g., *Wright v. Brown*, 167 Conn. 464, 471-72, 356 A.2d 176 (1975) (finding that initial determination of whether dog had bitten person was discretionary but subsequent duty to quarantine for fourteen days following that determination was ministerial); *Smart v. Corbitt*, supra, 802 (“determination that a fire existed and how best to alert emergency dispatch of its location . . . was a discretionary determination that triggered the alleged ministerial duty”). Thus, even if the court were to interpret as ministerial the tasks that were to be carried out after a lockdown was initiated, this duty was not triggered because no lockdown order was given to commence the lockdown procedure and tasks. Defs.’ Mem. Summ. J., Ex. C ¶ 24; Defs.’ Mem. Summ. J., Ex. D ¶ 27.

As previously mentioned, in addition to the general and code blue lockdown guidelines,

the plaintiffs submit an array of other documents relating to emergency preparedness, such as an Incident Command System (command system) with district contact information and various sets of guidelines for different types of incidents, the school emergency section of the town's Emergency Operations Plan (operations plan), and the school's emergency response plan, establishing guides for different situations (response plan). The very breadth of emergency response guides suggests that only one response to an emergency situation cannot be dictated because the possible scenarios are endless. General emergency scenarios can be anticipated and guides can be created to help inform the response; however, it would be nonsensical to mandate that officials respond to an emergency in a prescribed manner, without the use of judgment in evaluating the circumstances of a particular emergency. In fact, the end of the school's response plan recognizes this, stating: "While not every crisis can be anticipated and a response scripted, we can have in place these guidelines for action steps." Pls.' Mem. Opp'n, Ex. C.

The plaintiffs' reliance on the command system and operations plan is misplaced. The command system states that it "is a field management system that has a number of basic system features. Because of these features, [the command system] has the flexibility and adaptability to be applied to a wide variety of incidents and events both small and large." Pls.' Mem. Opp'n, Ex. A. It is unclear, upon review of the command system, what a field management system is exactly or when this system would be applicable as such is not defined. A sensible reading of the command system would be as a structure for faculty and staff to manage the response to a particular incident. For example, the command system describes the type of facilities that are most commonly necessary for the school to function once an incident occurs, such as a command post, staging area, and incident base. Pls.' Mem. Opp'n, Ex. A pp. 8-9. "The Incident Command Post (ICP) is the location at which the primary command functions are performed." Pls.' Mem. Opp'n, Ex. A. "A staging area is a temporary location at an incident where personnel and equipment are kept while awaiting assignments." Pls.' Mem. Opp'n, Ex. A. "All primary service and support for the incident are usually located and performed at the [Incident] Base." Pls.' Mem. Opp'n, Ex. A. As provided in the documentation, the command system would be inapplicable in the midst of an incident or, at the very least, during the initial moments. To deem

otherwise would be illogical because during the hectic first moments of an emergency, such as a shooting, the faculty and staff cannot set-up a command post or a staging area while gunfire is occurring around them. Rather, the implementation of the command system and the establishment of these areas must logically take place in the aftermath of the incident, as officials are responding to the emergency. This interpretation is supported by the State Police time line, which the plaintiffs submit as Exhibit O, and that demonstrates the sequence of events. Pls.' Mem. Opp'n, Ex. O. Several individuals in the school called 911 as the shooting was unfolding and then, when the State Police, Newtown Police Department, and other first responders arrived at the incident, the field management system was established. See Pls.' Mem. Opp'n, Ex. O. Command centers were established, staging areas were set-up for emergency personnel, law enforcement, evacuated students and personnel, and arriving parents, and perimeters were set-up to keep bystanders back. Pls.' Mem. Opp'n, Ex. M, pp. 14, 23; Pls.' Mem. Opp'n, Ex. O, pp. 11, 14-15, 21-22, 24-25, 30. Accordingly, the command system did not impose any kind of ministerial duties on the faculty and staff in responding to the shooting because, when to set up the incident facilities was a wholly discretionary function. Moreover, the plaintiffs fail to point to any language in the documents that mandates such action or creates ministerial duties.

Next, the operations plan is not specific to any lockdown guidelines and in fact, does not even reference the lockdown guidelines. Pls.' Mem. Opp'n, Ex. B. Rather, the operations plan sets forth a broad structure for preparing and responding to an array of incidents and states that "[t]his plan is designed so that its preparedness and response components will meet the requirements of any foreseeable disaster, either those requiring coordination with other town authorities or those to which the department would respond unilaterally." Pls.' Mem. Opp'n, Ex. B. The plan concerns different phases of an emergency: "Increased Readiness or Watch Phase"; "Emergency Phase"; and "Recovery Phase"; and discusses weather-related emergencies and scenarios that may involve evacuation. Pls.' Mem. Opp'n, Ex. B. Thus, the operations plan cannot be read rationally to clearly compel a prescribed manner of action in implementing any lockdown guidelines. Finally, "assignments" in the operations plan, that list the responsibilities for superintendents, principals, teachers, etc; do not equate to ministerial duties. See *Ventura v.*

East Haven, supra, 170 Conn. App. 406-407. The operations plan does not limit those with listed responsibilities to complete *only* the tasks listed, prescribe an order to complete the tasks, and does not enumerate every action that must be taken, as evidenced by the fact that each listed responsibility is prefaced with the phrase: “are responsible for, *but not limited to*, the performance of the following functions under this plan.” (Emphasis added.) Pls.’ Mem. Opp’n, Ex. B.

Although certain tasks in the operations plan, read alone, may appear to mandate certain actions, as the plaintiffs suggest to the court, the operations plan as well as the entire set of emergency preparedness documents presented by the plaintiffs “must be read as a whole, and cannot be parsed to force the reading of one paragraph in a proverbial vacuum.” *Ventura v. East Haven*, supra, 170 Conn. App. 408. When read together, the task assignments in the operations plan and the lockdown guidelines make sense only with the understanding that they do not impose ministerial duties on the faculty and staff but, rather, are meant to guide and inform their response to an emergency while retaining the ability to use judgment. See *Smart v. Corbitt*, supra, 126 Conn. App. 801 (“[t]here is a difference between laws that impose general duties on officials and those that mandate *a particular response to specific conditions*” [emphasis in original; internal quotation marks omitted]).

The fundamental policy underlying discretionary act immunity, allowing “government officers and employees [freedom] to exercise judgment and discretion in their official functions, unhampered by fear of second-guessing and retaliatory lawsuits”; *Doe v. Petersen*, 279 Conn. 607, 615, 903 A.2d 191 (2006); strongly weighs against interpreting any of the emergency preparedness documents submitted by the plaintiffs as imposing ministerial duties. Faculty and staff in a school responding to an emergency are in a situation analogous to that faced by police or other first responders, where the goal of governmental immunity holds similar weight, because of the need to make split-second decisions in “[responding] to an infinite array of situations implicating public safety on a daily basis.” *Coley v. Hartford*, supra, 312 Conn. 165; see also *Edgerton v. Clinton*, supra, 311 Conn. 237 (noting that 911 dispatcher operates under time pressure); *Smart v. Corbitt*, supra, 126 Conn. App. 801 (concluding that defendant police officer’s acts or omissions were discretionary because he “was responding to a public emergency,

which is a typical police officer function, in which he was required to use his judgment and to make split-second decisions"). In the present case, faculty and staff had to make split-second decisions in the face of an armed gunman and subjecting their decisions to scrutiny, aided by hindsight, would no less serve the public interest than subjecting a police officer's discretionary decisions to second-guessing. See *Coley v. Hartford*, supra, 172. In short, the actions of the faculty and staff in responding to the attack by Lanza required the exercise of discretion and immunity will apply unless the plaintiffs fall within an applicable exception.⁹

⁹The plaintiffs also argue that a ministerial duty imposed on the defendants is an alleged district policy whereby teachers were to lock their classroom doors in the morning, thus allowing them to be slammed shut in the event of a lockdown. As evidence of this policy, the plaintiffs submit a newspaper article; Exhibit F; within which this policy is referenced in a paraphrased quote and statement attributed to Janet Robinson. The plaintiffs argue that the newspaper article and the statements made within are admissible because they provided an affidavit that avers that the article was published and that such is a business record. This newspaper article and the statements attributed to Robinson are hearsay; see, e.g., *Cherniske v. Jajer*, 171 Conn. 372, 376-77, 370 A.2d 981 (1976); *Windsor v. Loureiro Engineering*, Superior Court, judicial district of Hartford, Docket No. CV-11-6023672-S (October 7, 2015, *Sheridan, J.*); and it is improper for the court to consider the same on a motion for summary judgment. See *Nash v. Stevens*, 144 Conn. App. 1, 15, 71 A.3d 635, cert. denied, 310 Conn. 915, 76 A.3d 628 (2013) ("[o]nly evidence that would be admissible at trial may be used to support or oppose a motion for summary judgment" [internal quotation marks omitted]). Furthermore, a newspaper article is not a proper business record pursuant to General Statutes § 52-180 and § 8-4 of the Connecticut Code of Evidence and, even if it could be considered, the affidavits provided by the plaintiffs fail to properly authenticate the same pursuant to the statutory requirements in § 52-180. See *Midland Funding, LLC v. Mitchell-James*, 163 Conn. App. 648, 656, 137 A.3d 1 (2016). The plaintiffs submit two affidavits of Emily Lukasiewicz (Exhibits G & H). In one, Ex. G, she attests that she is a custodian of records at the Hartford Courant and that attached as exhibit A is a true and correct copy of an article titled "Schools Told To Give Substitutes Keys" published on February 1, 2013. This affidavit does not attach a copy of the subject article as required by Practice Book § 17-46 and, moreover, does not satisfy the foundational requirements of § 52-180. The second affidavit, Ex. H., references an article not submitted as evidence by the plaintiffs nor attached to the affidavit itself. Accordingly, the article cannot be reviewed by the court as it fails to comply with the business records exception to the hearsay rule and, thus, to the extent that the plaintiffs argue that Robinson's statements may fall within another hearsay exception, the court need not address the same because the plaintiffs have failed to properly authenticate the newspaper article.

B

Exceptions to Discretionary Act Immunity

As previously provided, the only exception the plaintiffs raise is the identifiable person, imminent harm exception. It is undisputed that when Lanza forced his way into the school, the plaintiffs' decedents were members of an identifiable class of foreseeable victims. See *Martinez v. New Haven*, supra, 328 Conn. 4. The defendants do not dispute, for purposes of this motion, that at the moment of the attack, the plaintiffs' decedents were subject to imminent harm. Accordingly, the court focuses its analysis on the apparentness prong.

"In order to meet the apparentness requirement, the plaintiff must show that the circumstances would have made the government agent aware that his or her acts or omissions would likely have subjected the victim to imminent harm. . . . This is an objective test pursuant to which we consider the information available to the government agent at the time of her discretionary act or omission We do not consider what the government agent could have discovered after engaging in additional inquiry Imposing such a requirement on government officials would run counter to the policy goal underlying all discretionary act immunity, that is, keeping public officials unafraid to exercise judgment ." (Citations omitted; footnote omitted; internal quotation marks omitted.) *Edgerton v. Clinton*, supra, 311 Conn. 231-32.

In their objection to the defendants' motion for summary judgment, the plaintiffs argue that any reasonable individual would have known that leaving room nine upon hearing gunfire would expose the students, faculty, and staff to imminent harm; and moreover, that when Hammond was shot and returned from investigating the noises in the hallway, without Hochsprung and Sherlach, that it would have been especially apparent that a failure to initiate a lockdown or a code blue, would subject the students, faculty, and staff to imminent harm. For purposes of this exception, however, what a reasonable individual would have done or been aware of is irrelevant because ordinary negligence principles do not apply. See, e.g., *Brooks v. Powers*, supra, 328 Conn. 273 (holding that plaintiff could not prevail even under ordinary negligence principles and noting that "fundamental negligence principle," regarding foreseeability, "establishes a standard that is indisputably less demanding than the burden on the

plaintiff to demonstrate the applicability of the identifiable person, imminent harm exception to discretionary act immunity”); *Haynes v. Middletown*, 314 Conn. 303, 321, 101 A.3d 249 (2014) (contrasting “demanding imminent harm standard” with ordinary negligence standard).

Indeed, in *Edgerton v. Clinton*, supra, 311 Conn. 217, the justices in the majority disagreed with the dissenting justice’s assertion that a material issue of fact existed regarding whether the defendant dispatcher acted as a reasonable dispatcher under the circumstances. *Id.*, 228 n.10.¹⁰ Justice Zarella, author of the majority opinion stated: “Imposing liability when a municipal officer deviated from an ordinary negligence standard of care would render a municipality’s liability under § 52-557n no different from what it would be under ordinary negligence. This would run counter to the purpose of governmental immunity, which is to protect a municipality from liability arising from a municipal officer’s negligent, discretionary acts unless the officer’s duty to act is clear and unequivocal. . . . Therefore, unlike under an ordinary negligence standard of care, under the apparentness requirement of the identifiable person-imminent harm exception, there is no inquiry into the ideal course of action for the government officer under the circumstances. Rather, the apparentness requirement contemplates an examination of the circumstances of which the government officer could be aware, thereby ensuring that liability is not imposed solely on the basis of hindsight, and calls for a determination of whether those circumstances would have revealed a likelihood of imminent harm to an identifiable person.” (Citations omitted.) *Id.*

With these legal principles in mind, the court turns to the evidence submitted by the parties and the circumstances the faculty and staff faced during the attack to determine whether the apparentness requirement is met. The exhibits submitted by both parties establish the following undisputed facts. On December 14, 2012, shortly after 9:30 a.m., Lanza, armed with a rifle, two pistols, and a large amount of ammunition, shot his way into the school. Hochsprung

¹⁰ In *Edgerton*, the court found that it could not have been apparent to the emergency dispatcher that her actions or inactions in responding to a volunteer firefighter’s 911 call would likely have subjected a passenger in the vehicle being pursued by the volunteer firefighter, to imminent harm. *Edgerton v. Clinton*, supra, 311 Conn. 226-27, 234-39.

and Scherlach left room nine to investigate what was happening, followed shortly after by Hammond. Hochsprung and Sherlach were immediately confronted by Lanza and were shot and killed. Hammond was shot twice and another teacher down the hall was struck in the foot by a bullet. Hammond managed to crawl back inside room nine, where other staff and a parent remained, and the parent called 911. During that call, the parent told the dispatcher she believed the shooter was right outside the door, which Hammond held shut. During this time, Lanza inexplicably entered and then exited the main office, without shooting anyone. In an unknown order, he entered classrooms eight and ten, and shot and killed twenty children and four adults, before killing himself. The first 911 call was received at 9:35:39 a.m., and at 9:40:03 a.m., a single final shot, believed to be the suicide shot, was heard. The teacher shot in the foot called 911 at 9:38:00 a.m., and the call from the parent in the conference room was received at 9:38:43 a.m., where she informed the dispatcher that an adult in the room with her had been shot twice. Thus, in just three minutes Hochsprung and Sherlach were killed and Hammond and the other teacher were shot. In approximately two minutes, another twenty people were killed before Lanza committed suicide. Ultimately, twenty-six people were killed and others were wounded in approximately five minutes.

It is beyond cavil that the faculty and staff faced a horrible and unimaginable situation on the morning of December 14, 2012. The exact nature and extent of this attack was unknown to the individuals in room nine, as they did not know if there was more than one shooter or if the person who shot Hochsprung, Sherlach and Hammond was right outside the door, preparing to try and break in. See Pls.' Mem. Opp'n, Ex. O p. 4 (parent in conference room told dispatcher she believed shooter right outside the door). The individuals in the room, however, knew that two co-workers lay dead and a third was injured, shot twice by a high-powered weapon, while numerous gunshots continued to ring out. See Defs.' Mem. Summ. J., Ex. C ¶¶ 20-21; Defs.' Summ. J., Ex. D ¶¶ 19-25; Pls.' Mem. Opp'n, Ex. O pp. 4-5.

These were extraordinary circumstances, in which the individuals in room nine were forced to make split-second decisions while under attack themselves. Indeed, it bears repeating that Hammond had been shot twice and, thus, those in room nine were immediately dealing with

an emergency along with grappling with the fear that the shooter was outside their door. Defs.' Mem. Summ. J., Ex. D ¶ 24; Pls.' Mem. Opp'n, Ex. O p. 4. In a situation so extraordinary and unique, and so chaotic and violent, it could not have been apparent that their actions or inactions were likely to subject the students and other faculty to imminent harm. The State Police time line; Pls.' Mem. Opp'n, Ex. O; catalogues how rapidly the events of that morning unfolded. In an emergency situation, whereby those deemed to react in a discretionary manner are themselves under attack, no reasonable jury could find that anything would have been apparent to these individuals, under such explosive and rapidly evolving circumstances, as a matter of law.

"Discretionary decisions by government actors inevitably impact the lives of private individuals, sometimes with harmful effects. Moreover, such decisions are inescapably imperfect"; *Schnurr v. Board of County Commissioners*, 189 F. Supp. 2d, 1105, 1119 (2001); but imposing liability for every injurious consequence would ill serve the goal of keeping public officials and employees unafraid to exercise judgment. *Edgerton v. Clinton*, supra, 311 Conn. 232; see also *Evon v. Andrews*, 211 Conn. 508. Under these circumstances, the policy behind governmental immunity would be undermined if a jury, with the benefit of hindsight and the ability to consider options while not in the midst of a volatile emergency situation, were allowed to judge the actions of the faculty and staff in room nine that day. See *Edgerton v. Clinton*, supra, 228 n.10.


The following language in *Coley v. Hartford*, supra, 312 Conn. 172, is particularly applicable to this case: "The facts in the present case are undeniably tragic, and, understandably, the parties are left questioning whether anything more could have been done to prevent the realities that unfolded. It is, however, precisely because it can always be alleged, in hindsight, that a public official's actions were deficient that we afford limited governmental liability for acts that necessarily entailed the exercise of discretion. We do not think that the public interest is served by allowing a jury of laymen with the benefit of 20/20 hindsight to second-guess the exercise of [an official's] discretionary professional duty. Such discretion is no discretion at all." (Internal quotation marks omitted.) *Id.* The allegedly negligent acts of the individuals in the conference room required the exercise of discretion and the identifiable person, imminent harm

exception does not apply. Accordingly, the defendants are immune from liability.

III

CONCLUSION

For the foregoing reasons, the defendants' are entitled to judgment as a matter of law. Accordingly, the motion for summary judgment is granted.¹¹


Wilson, J. 5/7/2018

¹¹As the court has decided that the plaintiffs' claims against the defendants are barred by governmental immunity, the court need not address the defendants' alternative arguments.

FINAL JUDGMENT

Docket No. NNH-CV 15- 6075650

Case Name: *Scarlett Lewis Administratrix et al v. The Town of Newtown, et al*

See motion and order at 162, 162.30 + Memo of Decision at 162.40

By the Court: (Wilson (J) ITR) Date of Judgment: 5/7/2018

Judgment without trial for:

☐ Plaintiff (JWTP) ☐ Defendant (JWTD) ☐ Other (JWT)

Judgment of Nonsuit:

☐ Before Trial Commenced (JDGNST) ☐ After Trial Commenced (JDGNSA)

Judgment by Stipulation before trial commenced for:

☐ Plaintiff (JDGSTPP) ☐ Defendant (JDGSTD) ☐ Other (JDGSTP)

Judgment by Stipulation after trial commenced for:

☐ Plaintiff (JDGSTAP) ☐ Defendant (JDGSTAD) ☐ Other (JDGSTA)

Judgment upon Verdict for:

☐ Plaintiff (JDGTVTP) ☐ Defendant (JDGTVTD) ☐ Other (JDGTVT)

Judgment after Completed Non-Jury Trial for:

☐ Plaintiff (JDGACTP) ☐ Defendant (JDGACTD) ☐ Other (JDGACT)

Summary Judgment (Disposing of Case) for:

☐ Plaintiff (SJP) ☒ Defendant (SJD) ☐ Other (SJ)

☐ Judgment of Dismissal of Action (JDGDACT)

☐ Supplemental Judgment (SUPJ)

☐ Final Supplemental Judgment (SUPJP)

☐ Judgment in accordance with judge trial referee's report (JDGRPT)

☐ Judgment After Hearing in Damages (JDGHD)

☐ Judgment in Accordance with Arbitrator's Decision (ARBJDG)

ENTER ESSENTIAL TERMS OF JUDGMENT, if applicable:

☒ Counsel (Parties) present
☒ Counsel (Parties) notified on 5/7/18 ☒ Including Reporter of Judicial Decisions
By: ☒ JDNO ☐ SCRAM ☐ Copy of Memo/Order
☐ Other: _____

(Sgd.) _____

☐ Assistant Clerk/ ☒ Court Officer/ ☐ Caseflow Coordinator

A.600

☒ **APPEAL** ☐ **JOINT APPEAL** ☐ **CROSS APPEAL** ☐ **AMENDED APPEAL** ☐ **CORRECTED FORM**

JD-SC-33 Rev. 11-17

P.B. Sections 3-8, 60-7, 60-8, 62-7, 62-8, 63-3, 63-4, 63-10, 72-3

C.G.S. Sections 31-301b, 51-197f, 52-470

All appeals must be filed electronically unless an exemption from the requirements of electronic filing has been granted or you are an incarcerated self-represented party. For further information about e-filing or this form, see the Appeal Instructions, form JD-SC-34.

☐ To Supreme Court ☒ To Appellate Court

Name of case (State full name of case)

LEWIS, SCARLETT, ADMINISTRATRIX OF THE ESTATE OF J Et Al v. THE TOWN OF NEWTOWN Et Al

Type of appellate matter (If a writ of error, the writ and the signed marshal's return must be filed on the same business day as this form. See Practice Book Section 72-3.)

Appeal

Trial Court History	Tried to Court		Trial court location 235 CHURCH STREET New Haven CT 06510	
	Trial court judges being appealed HON. ROBIN L. WILSON		List all trial court docket numbers, including location prefixes NNH-CV-15-6075650-S	
	All other trial court judges who were involved with the case		Judgment for (Where there are multiple parties, specify those for whom judgment was rendered) THE TOWN OF NEWTOWN Continued	
	Date of judgment(s) or decision(s) being appealed 05/07/2018		Date of issuance of notice on any order on any motion that would render judgment ineffective	Date for filing appeal extended to
	Case type Civil		For Juvenile Cases <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Order of Temporary Custody	
	For Civil/Family Case Types, Major/Minor code: T90		<input type="checkbox"/> Other	

Appeal	Appeal filed by (Party name(s)) SCARLETT LEWIS ADMINISTRATRIX OF THE ESTATE OF JESSE LEWIS Continued			
	From (the action that constitutes the appealable judgment or decision) Summary Judgment in favor of all Defendants on entire Complaint/Case			
	If this appeal is taken by the State of Connecticut, provide the name of the judge who granted permission to appeal and the date of the order			
	Statutory Basis for Appeal to Supreme Court			
	By (Signature of counsel of record) ▶ 426709	Telephone number 203-642-3888	Fax number 203-642-3887	Juris number (If applicable) 426709

Appearance	Type name and address of counsel of record filing this appellate matter (This is your appearance; see Practice Book Section 62-8) PAPCSY JANOSOV ROCHE 53 EAST AVENUE NORWALK CT 06851		E-mail address devin@myinjuryfirm.com
	"X" one if applicable <input type="checkbox"/> Counsel or self-represented party who files this appeal will be deemed to have appeared in addition to counsel of record who appeared in the trial court.		
	<input type="checkbox"/> Counsel or self-represented party who files this appeal is appearing in place of:		Name of counsel of record Juris number (If applicable)

Certification	I certify that a copy of the appeal form I am filing will immediately be delivered to each other counsel of record and I have included their names, addresses, e-mail addresses and telephone numbers; the appeal form has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law; and the appeal form complies with all applicable rules of appellate procedure in accordance with Practice Book Sections 62-7 and 63-3.		
	Date to be delivered 05/25/2018		
	If you have an exemption from e-filing under Practice Book Section 60-8, attach a list with the name, address, e-mail address, and telephone number of each counsel of record and the address where the copy was delivered.		
	If this appeal is a criminal or habeas corpus matter, I certify that a copy of this appeal form will immediately be delivered to the Office of the Chief State's Attorney Appellate Bureau. Date to be delivered _____		
	Signed (Counsel of record) ▶ 426709		Date signed 05/25/2018

Required Documents	To be filed with the Appellate Clerk within ten days of the filing of the appeal, if applicable. See Practice Book Section 63-4.		
	1. Preliminary Statement of the Issues 2. Court Reporter's Acknowledgment or Certificate that no transcript is necessary 3. Docketing Statement	4. Statement for Preargument Conference (form JD-SC-28A) 5. Constitutionality Notice 6. Sealing Order form, if any	

☒ Entry Fee Paid ☐ No Fees Required ☐ Fees, Costs, and Security waived by Judge (enter Judge's name below)

Court Use Only
Date and time filed

Judge

Date waived

Print Form

Reset Form

A-601

Appeal Form (continued)

CASE NAME:

LEWIS, SCARLETT, ADMINISTRATRIX OF THE ESTATE OF J Et Al v. THE TOWN OF NEWTOWN Et Al

Parties & Appearances

PARTY/PARTIES INITIATING THE APPEAL

SCARLETT LEWIS ADMINISTRATRIX OF THE ESTATE OF JESSE LEWIS

Juris: 428746 PAPCSY JANOSOV ROCHE
53 EAST AVENUE
NORWALK, CT 06851
Phone: (203) 642-3888 Fax: (203) 642-3887
Email: devin@myinjuryfirm.com

POZNER LEONARD ADMINISTRATOR OF THE ESTATE OF NOAH POZNER

Juris: 428746 PAPCSY JANOSOV ROCHE
53 EAST AVENUE
NORWALK, CT 06851
Phone: (203) 642-3888 Fax: (203) 642-3887
Email: devin@myinjuryfirm.com

ALL OTHER PARTIES AND APPEARANCES

THE TOWN OF NEWTOWN - Judgment For

Juris: 047892 PULLMAN & COMLEY LLC
850 MAIN STREET
PO BOX 7006
BRIDGEPORT, CT 06601
Phone: (203) 330-2000 Fax: (203) 576-8888
Email: ajcohen@pullcom.com

Juris: 052525 RYAN RYAN DELUCA LLP
707 SUMMER STREET
STAMFORD, CT 06901
Phone: (203) 357-9200 Fax: (203) 357-7915
Email: roblaney@ryandelucalaw.com

SANDY HOOK BOARD OF EDUCATION - Judgment For

Juris: 052525 RYAN RYAN DELUCA LLP
707 SUMMER STREET
STAMFORD, CT 06901
Phone: (203) 357-9200 Fax: (203) 357-7915
Email: roblaney@ryandelucalaw.com

Juris: 047892 PULLMAN & COMLEY LLC
850 MAIN STREET
PO BOX 7006
BRIDGEPORT, CT 06601
Phone: (203) 330-2000 Fax: (203) 576-8888
Email: ajcohen@pullcom.com

A-602

Appeal Form (continued)

SANDY HOOK ELEMENTARY SCHOOL - Removed on 03/03/2015
WILLIAM BRANDON SHANLEY - Removed on 08/04/2016

ADDITIONAL SERVICE INFORMATION

235 Church St., New Haven, CT 06510

A.603

A.C. # 41697
SUPERIOR COURT DOCKET #
NNH CV15 6075650 S

THE ESTATE OF JESSE LEWIS, SCARLETT
LEWIS AS ADMINISTRATRIX AND NEIL
HESLIN AS CO-ADMINISTRATOR; THE
ESTATE OF NOAH POZNER, LEONARD
POZNER AS ADMINISTRATOR : J.D. OF NEW HAVEN

V. : AT NEW HAVEN

THE TOWN OF NEWTOWN, ET AL. : JUNE 1, 2018

DOCKETING STATEMENT

The Plaintiffs Appellants submits the following docketing information pursuant to
Connecticut Practice Book § 63-4.

A. Names and addresses of all parties to the appeal and their trial and appellate counsel.

Plaintiffs: Scarlett Lewis, as Administratrix of the Estate of Jesse Lewis
6 Great Ring Road
Sandy Hook, CT 06482

Leonard Pozner, as Administrator of the Estate of Noah
Pozner
261 S. Main St., #332
Newtown, CT 06470

Trial and Appellate Counsel: Devin W. Janosov, Esq. (426709)
Papcsy Janosov Roche (428746)
53 East Avenue
Norwalk, CT 06851
P: 203.642.3888
F: 203.642.3887
devin@myinjuryfirm.com

Donald A. Papcsy, Esq. (417416)
Papcsy Janosov Roche (428746)
53 East Ave.
Norwalk, CT 06851
203-785-0635
203-785-0589 (fax)
don@myinjuryfirm.com

A-604

Defendant:

The Town of Newtown
Attn: Town Clerk
Newtown Municipal Center
3 Primrose St.
Newtown, CT 06470

Trial and Appellate Counsel:

Charles A. Deluca, Esq. (370261)
Ryan Ryan Deluca, LLP (052525)
707 Summer St.
Stamford, CT 06901
P: 203.357.9200
F: 203.357.7915
cdeluca@ryandelucalaw.com

Monte Frank, Esq. (408776)
Pullman and Comely, LLC (047892)
850 Main St., P.O. Box 7006
Bridgeport, CT 06601
P: 203.330.2000
F: 203.576.8888
mfrankj@pullcom.com

Defendant:

Sandy Hook Board of Education
Attn: Superintendent
Newtown Municipal Center
3 Primrose St.
Newtown, CT 06470

Trial and Appellate Counsel:

Charles A. Deluca, Esq. (370261)
Ryan Ryan Deluca, LLP (052525)
707 Summer St.
Stamford, CT 06901
P: 203.357.9200
F: 203.357.7915
cdeluca@ryandelucalaw.com

Monte Frank, Esq. (408776)
Pullman and Comely, LLC (047892)
850 Main St., P.O. Box 7006
Bridgeport, CT 06601
P: 203.330.2000
F: 203.576.8888
mfrankj@pullcom.com

A-605

- B. To my knowledge, there are two (2) appeals listed as pending before the Supreme Court of Connecticut which arise from the same set of events as the instant appeal, and which the Plaintiffs in the instant case, are also Plaintiffs in said other case(s) before the Supreme Court of Connecticut, both the instant appeal and the one(s) currently pending before the Supreme Court of Connecticut raise similar or related issues concerning Summary Judgment: “Donna L. Soto, Administratrix of the Estate of Victoria L. Soto, et al. v. Bushmaster Firearms International, LLC A.K.A. Freedom Group, Inc., A.K.A. Remington Outdoor Co., Inc., et al.” Docket No.: S.C. 19832/FBT CV15 6048103 S and “Donna L. Soto, Administratrix of the Estate of Victoria L. Soto, et al. v. Bushmaster Firearms International, LLC A.K.A. Freedom Group, Inc., A.K.A. Remington Outdoor Co., Inc., et al.”, Docket No.: S.C. 19833/FBT CV15 6048103 S.
- C. There are no additional exhibits marked in the trial court beyond the exhibits attached to the relative pleadings/motions.

PLAINTIFF APPELLANTS
SCARLETT LEWIS and
LEONARD POZNER

BY 

Devin W. Janosov, Esq.
Papcsy/Janosov/Roche
53 East Avenue
Norwalk, CT 06851
Juris Number 428746
P: 203.642.3888
F: 203.642.3887

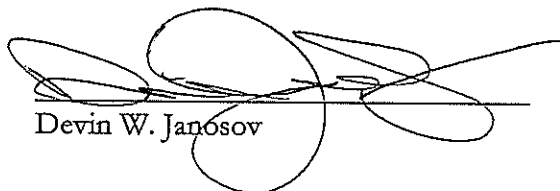
A-606

CERTIFICATION

I hereby certify that a copy was sent, both electronically and by regular mail, this 1st day of June 2018 to the following:

Charles A. Deluca, Esq. (370261)
Ryan Ryan Deluca, LLP (052525)
707 Summer St.
Stamford, CT 06901
P: 203.357.9200
F: 203.357.7915
cdeluca@ryandelucalaw.com

Monte Frank, Esq. (408776)
Pullman and Comely, LLC (047892)
850 Main St., P.O. Box 7006
Bridgeport, CT 06601
P: 203.330.2000
F: 203.576.8888
mfrankj@pullcom.com



Devin W. Janosov

A-607

STATE OF CONNECTICUT

DOCKET NO.: NNH-CV15-6075650-S : SUPERIOR COURT

SCARLETT LEWIS ADMINISTRATRIX
OF THE ESTATE OF JESSE LEWIS : JUDICIAL DISTRICT OF
6 GREAT RING ROAD NEW HAVEN
SANDY HOOK, CT 06482

POZNER LEONARD ADMINISTRATOR OF
THE ESTATE OF NOAH POZNER
261 S. MAINT ST., #332
NEWTOWN, CT 06470

V.

THE TOWN OF NEWTOWN : AT NEW HAVEN
C/O: THE TOWN CLERK –
DEBBIE AURELIA HALSTEAD
NEWTOWN MUNICIPAL CENTER
3 PRIMROSE ST.
NEWTOWN, CT 06470

SANDY HOOK BOARD OF EDUCATION : MAY 7, 2018
C/O: SUPERINTENDANT –
JOSEPH ERADI, JR.
NEWTOWN MUNICIPAL CENTER
3 PRIMROSE ST.
NEWTOWN, CT 06470

Present: The Honorable Robin L. Wilson

JUDGMENT

This action, by writ and complaint seeking damages and other relief as on file, came to this court on January 27, 2015, and thence to February 20, 2015, when the Plaintiffs filed a Request to Amend and Amended Complaint; and thence to February 24, 2015, when the Defendants filed a Motion to Dismiss and Memo in Support; and thence to March 3, 2015, when the Plaintiffs withdrew action as to a particular Defendant; and thence to March 13, 2015, when the Defendants filed a Request to Revise Plaintiffs' First Amended Complaint; and thence to May 12, 2015, when Plaintiffs filed an Objection to Request to Revise; and thence to May 13, 2015, when Plaintiffs filed a Request to Amend/Second Amended Complaint; and thence to June 3, 2015, when Defendants filed a Request to Revise Plaintiffs' Second Amended Complaint; and thence to July 30, 2015, when Plaintiffs filed an Objection to Defendants' Request to Revise Second Amended Complaint; and thence to September 1, 2016, when Plaintiffs filed the Third Revised Complaint; and thence to October 14, 2016, when the Defendants filed an Answer and Special Defense to Plaintiffs' Third Revised Complaint; and thence to November 1, 2016, when Plaintiffs filed a Motion to Strike Defendant's Special Defenses to Plaintiffs' Third Revised Complaint; and thence to December 13, 2016, when Defendants filed an Objection to Plaintiffs' Motion to Strike Defendants'

A-608

225.10

CERTIFICATION

I hereby certify that a copy of the foregoing has been mailed to all counsel, pro se parties of record, judges or other individuals with an interest in the proceeding on _____, 2018 and sent electronically to the last known email address, do not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law in accordance with Practice Book §62-7, is otherwise in compliance with all provisions of Practice Book §62-7, and is a true and accurate copy of the Brief and corrected Appendix E-Filed with the court. Pursuant to Practice Book §67-2(g), the copies have been sent to counsel for the Defendants, Charles A. Deluca, Esq. and Monte Frank, Esq. at the following addresses and email addresses:

Charles A. Deluca, Esq. (370261)
Ryan Ryan Deluca, LLP (052525)
707 Summer St.
Stamford, CT 06901
P: 203.357.9200
F: 203.357.7915
cdeluca@ryandelucalaw.com

Monte Frank, Esq. (408776)
Pullman and Comely, LLC (047892)
850 Main St., P.O. Box 7006
Bridgeport, CT 06601
P: 203.330.2000
F: 203.576.8888
mfrankj@pullcom.com

Devin W. Janosov

A-610

